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War Crimes Prosecution Watch is a bi-weekly e-newsletter that compiles official documents and articles from major news sources detailing and analyzing salient issues pertaining to the investigation and prosecution of war crimes throughout the world. To subscribe, please email warcrimesswatch@pilpg.org and type "subscribe" in the subject line.

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AFRICA

NORTH AFRICA

Libya

Rights group: Libya fails to hold war criminals accountable (Washington Post) By Noha Elhennawy
Feb. 25, 2021

CAIRO — A leading rights group on Thursday accused Libyan authorities of failing to bring suspected war criminals to justice for their alleged role in crimes against humanity since 2011.

Libya has not brought any suspects before the International Criminal Court in the 10 years since the North African nation was referred to the ICC by the U.N. Security Council. The allegations center on suspected crimes committed either during the 2011 uprising that ousted and killed longtime dictator Moammar Gadhafi, or the civil war that followed.

“After a decade of impunity for serious crimes, the wheels of justice ... seem to have come to a grinding halt,” said Hanan Salah of Human Rights Watch, which released the report.

“Council members need to ensure that the court has sufficient means and political backing to do its vital work on behalf of victims of grave abuses in Libya,” Salah added.

In 2017, the ICC issued three arrest warrants against Seif al-Islam Gadhafi, the late dictator’s son, as well as Al-Tuhamy Mohamed Khaled, former head of Libya’s Internal Security Agency, and Mahmoud al-Werfalli, a Libyan military officer.

Seif al-Islam Gadhafi, who is charged with murder for his alleged role in the violent suppression of the 2011 protests, is believed to be hiding in the Libyan town of Zintan.

He was released from custody in June 2017 after more than five years in detention as part of a pardon issued by the Libya’s eastern-based parliament.

The oil-rich country has been divided between two rival governments, one in the east and another in the west, for the last six years.

Khaled is wanted for alleged war crimes against prisoners held by Libyan security forces during the 2011 protests. ICC prosecutor Fatou Bensouda had previously said that he was in Cairo.

Al-Werfalli is sought for his alleged role in, or ordering the execution of, 33 captives in the eastern city of Benghazi in 2016 and 2017. The ICC holds that the executions were filmed and posted on social media. Al-Werfalli has been serving as a commander in Libya’s eastern army, which is based in Benghazi and led by Gen. Khalifa Hifter. The ICC prosecutor has demanded the Egyptian government surrender Khaled, and that Hifter hand over al-Werfalli.

“The ICC faces steep challenges in carrying out its mandate in Libya. Without a police force, it relies on governments of countries where suspects can be found for cooperation in arrests, and that cooperation has been inadequate,” HRW’s statement said.

Since 2011, Libya has descended into chaos and has become a haven for Islamic militants and armed groups. The country’s rival governments are each backed by a vast array of militias and foreign governments.

In October, the U.N. mediated a ceasefire between the warring parties and initiated a political dialogue that culminated in the election of interim authorities earlier this month. The new transitional government is expected to lead the country into general elections in December 2021.

HRW: Al-Werfalli is still at large despite committing war crimes in Libya (Middle East Monitor)
February 26, 2021

Human Rights Watch (HRW) criticised retired General Khalifa Haftar's failure to hand over the commander of Al-Saiqa Brigade Colonel Mahmoud Al-Werfalli, despite his involvement in war crimes and the arrest warrant issued by the International Criminal Court (ICC) against him, noting that despite all this, "he is still at large."

The international human rights organisation added in a report published on its official website, that Al-Werfalli is wanted for killing 33 people in seven incidents between 2016 and 2017 and another incident in 2018 when he shot ten people.

Al-Werfalli is wanted by the ICC on charges of committing war crimes, and he is on the Interpol list of people wanted for carrying out summary executions.

HRW stated that "hundreds of residents of Tarhuna town are still missing after they were kidnapped by the local Al-Kaniyat militia (commanded by Al-Werfalli) and forcibly disappeared."

The report pointed out that despite the establishment of a fact-finding mission to investigate the violations committed by Haftar's forces by the UN Human Rights Council on 22 June, this UN body has not started working yet due to the outbreak of coronavirus.

The organisation quoted the ICC as saying that its office sent two missions to Libya in 2020, which enabled it to collect important evidence about Al-Werfalli and other war criminals, without providing details about the ongoing investigations.

On 15 August 2017, Pre-Trial Chamber I of the ICC issued an arrest warrant against Al-Werfalli, a commander in Haftar's forces, for committing war crimes and executing more than 30 people.

On 11 December, Washington included Al-Werfalli on its sanctions list, after he was accused of "having directly or indirectly engaged in serious human rights abuses." This came three months after the EU took similar measures.

New mass grave found in Libya's Tarhuna (Anadolu Agency) By Walid Abdullah

March 10, 2021

TRIPOLI, Libya -- The Libyan government said Wednesday a new mass grave was found in the southern city of Tarhuna.

"The grave was discovered in Alrabet project area in the city," Abdulaziz al-Jaafari, a spokesman for the General Authority for Research and Identification of Missing Persons, told Anadolu Agency.

He said it remains unclear how many bodies were buried in the grave.

Tarhuna city was a previous stronghold for Al-Kani militia affiliated with warlord Khalifa Haftar.

According to Libyan official sources, Haftar's forces and affiliated militias committed war crimes and acts of genocide in the period between April 2019 and June 2020.

Since June, following the defeat of Haftar's forces in the western areas of Libya, the Libyan government found around 300 dead bodies in mass graves in Tarhuna and south of Tripoli.

Libya has been torn by civil war since the ouster of late ruler Muammar Gaddafi in 2011.

On Feb. 5, Libya's rival political groups agreed during UN-mediated talks to form an interim unity government to lead the country to elections this December in which Abdul Hamid Dbeibeh was designated to form a new government.

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CENTRAL AFRICA

Central African Republic

Central African Republic - Amnesty Investigation Reveals Full Horror of Conflict and Election Violence (Amnesty International)

February 24, 2021

Civilians killed and injured during the December 2020 elections in the Central African Republic

Testimonies, satellite imagery and photographic analysis confirm the killing of 14 people last week in Bambari and Bangui, the capital

'In a country where conflict has been raging for two decades, the authorities must prioritise the protection of human rights and the fight against impunity for those who violate them' - Abdoulaye Diarra

The authorities in the Central African Republic must protect civilians and launch independent judicial investigations into abuses and human rights violations carried out by armed groups and security forces, Amnesty International said today.

Ahead of the presidential and parliamentary elections on 27 December 2020, a coalition of six armed groups -- the Coalition of Patriots for Change (CPC) -- tried to stop the elections taking place.

Since 17 December, the CPC has launched a series of attacks against several towns, occupying them. Central African armed forces, supported by foreign troops in the presence of United Nations peace keeping forces clashed with the CPC as they attempted to free the occupied towns.

By compiling together first hand testimony and the analysis and verification of satellite imagery, video and photographs, Amnesty can confirm that many civilians have been killed in several towns including Bambari, in the centre of the country, and Bangui, the capital.

Many people have also been displaced in Bangassou, in the south-east, while the supply of essential goods and humanitarian aid into the country was blocked.

Abdoulaye Diarra, Amnesty International Central Africa researcher, said:

"In a country where conflict has been raging for two decades, the authorities must prioritise the protection of human rights and the fight against impunity for those who violate them.

"Humanitarian needs have also increased with this crisis. Humanitarian workers must be able to freely access all people without interference and civilians access to humanitarian assistance must be protected during conflicts.

"All parties to the conflict, including Central African forces, foreign forces, and armed groups, must respect the international humanitarian law.

"Given the gravity of these acts, it is urgent that the authorities open an investigation to clarify the facts and identify those responsible."

Civilians killed during Bambari religious site attack

CPC members occupied several areas in Bambari on 22 December 2020. The government and allied forces clashed with them on 15 and 16 February 2021.

Amnesty can confirm that civilians were killed in Bambari during the clashes by analysing multiple images and one video that can be geolocated to a religious site in the east of Bambari, showing the bodies of people reportedly killed on 16 February 2021.

As many as 14 bodies are visible on the floor, most either partially or fully covered. On visible parts, these people were not wearing military clothes and a close up shows a woman and child.

The photos also show damage to the site. One confirmed image shows the impact of an explosive weapon, with blast damage visible. Injuries mirroring the damage seen on the wall are visible in photos of at least three bodies.

In addition, Médecins Sans Frontières announced on 22 February that a medical center supported by its teams had been damaged with bullets and explosives during the 16 February clashes. They have also treated around 30 injured people, including eight women and nine minors -- aged between 17 months and 17 years -- who were wounded by bullets and shell fragments.

At least two killed and six injured by security forces during curfew in Bangui

On 7 January, the authorities implemented a curfew across the country. According to testimonies received by Amnesty, a young man who allegedly violated the curfew was shot and killed by security forces on the evening of 11 January in the 5th District of Bangui. Many young people in the area protested the killing by carrying his body to the Prime minister's office.

A witness told Amnesty:

"Presidential guards shot in the air as young people were arriving near the state television building where they were blocked and dispersed. As they were leaving the area, groups of young men met another security forces unit which opened fire and fatally shot one of them in the head. His family buried him the following day."

Six other young men were injured during the incident.

240,000 people displaced since mid-December

As a result of attacks and clashes, at least 240,000 people have been displaced within the country since mid-December, according to humanitarian organisations. The situation has forced affected populations into deplorable humanitarian conditions.

A resident of Bangassou told Amnesty:

"On 3 January, the situation was terrible. There was fire, scenes of looting, gunfire, explosion noises. The whole city emptied and 80% of the population crossed the river to reach the city of Ndu in Democratic Republic of the Congo. People were unable to go to the fields or go fishing and they lost their cattle which were stolen by armed groups."

On 11 January the UNHCR confirmed that at least 15,000 people arrived in the village of Ndu, following attacks in the towns of Damara and Bangassou on 2 and 3 January.

Disruption by armed groups on main food supply roads

CPC members have deliberately carried out attacks on truck drivers in order to block the passage of food supplies and humanitarian aid, witnesses told Amnesty. This has led to a scarcity of food, and therefore to an increase in prices.

Central African Republic: Rebels Have Taken Over Schools (CAJ News Africa) By Oman Mbiko
February 26, 2021

Bangui — THE escalating violence in the Central African Republic (CAR) is denying education to hundreds of thousands of children.

Armed groups are the main perpetrators of this violation.

The rebels have occupied no less than 26 schools.

About 1 000 schools are non-operational as a result of fighting, forcing half the country's children out of school.

The United Nations (UN) and its children's rights group agency (UNICEF) have denounced the turn of events.

"This is unacceptable," UN Humanitarian Coordinator, Denise Brown, and UNICEF representative, Fran Equiza, said.

They lamented that only a few months after returning to school following closure due to the coronavirus (COVID-19) pandemic, children were once again seeing their education interrupted.

Since last December, the increase in violence has resulted in schools being forcibly shuttered, occupied or damaged in 11 out of 16 of the country's prefectures, affecting one in two children.

The envoys urged armed groups and rebel forces to protect students, teachers and humanitarian actors as well as respect schools as zones of peace and safe havens for learning.

This must be in line with their obligations under international human rights and international humanitarian law.

"Children cannot afford to have their education on hold any longer," Brown and Equiza stated.

CAR plunged into further chaos following contentious elections held at the end of 2020.

Rebel groups, which control a majority of the country, were against the holding of elections.

Thousands of people have been forced to flee the country or are internally displaced.

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Sudan & South Sudan

**Official Website of the International Criminal Court
ICC Public Documents - Situation in Darfur, Sudan**

Sudanese govt 'committed' to trial of Darfur war criminals (Dabanga)

February 26, 2021

Sudan's Attorney General, Tajelsir El Hibir, confirmed that the transitional government is committed to implementing peace agreements that mandate the trial of those accused of committing war crimes and crimes against humanity in the Darfur region, at El Salam Rotana Hotel in Khartoum yesterday.

"This issue is an important part of the Juba Peace Agreement," El Hibir said during an International Criminal Court (ICC) workshop held by the Darfur Bar Association (DBA) in cooperation with The Democrat newspaper and the Institute for Democracy in Sudan.

Member of the Transitional Sovereignty Council (TSC), Aisha Musa El Saeed, announced that laws which allow for the trial of those accused of committing crimes in Darfur have been approved by the TSC and the Council of Ministers.

She called for reform of judicial institutions and restoration of the apparatus that have been corrupted by the former regime. "There is no peace without justice," she said, stressing the need for justice to take its course so that the families of the victims can heal.

El Hibir indicated that a complete vision has not yet emerged regarding the status of the trial of Ali Muhammad Ali Abdelrahman (also known as Ali Kushayb). He said that the Memorandum of Understanding signed with the ICC in The Hague in the Netherlands, on February 14 in relation to the trial of Ali Kushayb is a "positive step".

The DBA said in a statement on Wednesday that it has taken notice of the Attorney General's directives to his officials at the Public Prosecution, to publish the names of those against whom criminal arrest warrants were issued and against whom initial evidence was provided in the first Kerending incidents.

Hybrid War Crimes Court Promises Justice But Political Rivalry May Impede Pursuit (Global Risk Insights) By James Trigg

March 7, 2021

The African Union's call for a court in South Sudan to prosecute and punish individuals responsible for war crimes is a significant overture by the continental organisation. Trials in the aftermath of genocide in Rwanda and the International Criminal Court's recent efforts demonstrate the benefits of such convictions, but the particular circumstances in South Sudan means prosecutors must remain cognisant of the precarious political situation.

From Atrocity to Accountability

In December 2013, South Sudan descended into civil war, a conflict which displaced four million South Sudanese, and led to the deaths of almost 400,000 people. Reports published by both the United Nations Mission in South Sudan (UNMISS) and

the African Union Commission of Inquiry on South Sudan (AUCISS) concluded that crimes against humanity had been perpetrated. Forces loyal to both President Salva Kiir, and his opponent Riek Machar were responsible. Amongst several recommendations for addressing such atrocities, the AUCISS advocated for: “an Africa-led, Africa-owned, Africa-resourced legal mechanism under the aegis of the African Union supported by the international community”.

Following the signing of a peace agreement in 2018, and two years of political wrangling to form a new unity government, the Government of South Sudan (GoSS) officially announced the establishment of a hybrid court. The court is to be operated in conjunction with the African Union – which welcomed the declaration – to investigate and pursue those individuals responsible for the commission of grave offences during the civil war. This will be the first such arrangement overseen by the African Union (AU), and as such is a significant milestone for the continental provision of accountability and restitution. Precedents set by the International Criminal Tribunal for Rwanda (ICTR) and more recent convictions by the International Criminal Court (ICC) may offer some lessons for the conduct of the South Sudan Hybrid Court. However, caution must be taken to note the distinctly different contexts in which the Southern Sudanese cases will be heard.

Lessons From Rwanda and the ICC

The ICTR sought to try those responsible for the worst crimes conducted during the Rwandan genocide in 1994. More than ninety leading figures were indicted. Through these cases, the ICTR heard from more than three thousand witnesses, and set global legal precedents in recognising rape as a method of perpetrating genocide. The establishment of the ICTR demonstrated that the prosecution of powerful figures responsible for atrocities was possible in Africa, and provided a platform for ordinary Rwandans to have their voices heard by the international community. Whilst enjoying similar levels of international support, the South Sudan Hybrid Court must aspire to grant those South Sudanese citizens subjected to violence a similar vehicle for having their voices heard, and their experiences recorded.

More recently, the ICC convicted Dominic Ongwen, a child-soldier turned leader of the Lord’s Resistance Army (LRA), of 61 offences including the first conviction for “forced pregnancy”. Whilst relying on the testimony of 109 witnesses, over four thousand were approached in the build-up to the trial. As with the ICTR, the ICC’s case against Ongwen provided an opportunity for thousands of victims to participate, and offered closure for those brutalised by the LRA troops under his command. Ongwen’s case again demonstrated that the international justice system is prepared to dedicate the time and resources necessary to secure convictions. The Limits of Precedents

Whilst the experience of both the ICTR and ICC may be exemplars, the unique circumstances of each must also be borne in mind. In the Rwandan case for instance, those being tried and prosecuted were from the deposed Hutu regime that was driven from power by the Rwandan Patriotic Front (RPF) as the RPF swept across the country, putting an end to the genocide. Thus, at the time of their appearance before the ICTR, the accused were without legitimate office, rank, or position. Likewise, Ongwen was a member of a stateless group, denounced by the international community.

Yet under the auspices of the South Sudan Hybrid Court, the cases will concern individuals who may still be closely tied to the President, Salva Kiir, or the First Vice-President Riek Machar. Supporters of both men are implicated in the conduct of atrocities, and so the hybrid court must resist becoming a politicised arena. After all, it was a deterioration in relations between both men which precipitated the initial conflict. This could prove extremely limiting. For example, taking pains to avoid disturbing the delicate peace process could result in a court where prosecutions are carried forward only with the consent of all parties. This would likely result in just the most minor offenders being prosecuted, with both leaders intervening to protect their closest lieutenants.

Alternatively, either may demand that an individual of similar rank and status from the opposite camp be prosecuted as a prerequisite for their consenting to a member of their own appearing before the court. In either situation, the legitimacy of the court would be heavily undermined, both in the eyes of the international community, and especially in the eyes of the civil war’s victims.

No Swift Resolution

Only with a strong and independent prosecutor, and an impartial bench of judges, will the hybrid court be able to provide the sentences and closure expected of it. This will likely prove politically awkward in the personalised politics of South Sudan. Those seeking swift resolution to these matters must also revise their expectations. The sheer scale of devastation and violence unleashed during the civil war will make any prosecutions lengthy and convoluted affairs. Ongwen’s trial lasted a little over four years, having begun in December 2016. With political interference from the GoSS likely, as both parties seek to limit their culpability or gain an advantage over their rival-cum-ally, the hybrid court’s success will depend on the AU showing the same resolve and vision evidenced by the organisation’s initial championing for the court’s foundation.

Darfur women demand more power (Dabanga)

March 7, 2021

Since Sudan reached the public eye over years of civil war in Darfur, Kordofan, and the Blue Nile, under which war crimes, crimes against humanity, and genocide were committed, Sudanese women have been cast as the victims of physical and sexual violence in the media.

While Sudanese women continue to be disproportionately affected by violence in its various forms in the country, they have also been at the forefront of the revolution, demanding justice and peace. “Known to be leaders in all aspects of society, these women have taken on the part of caretakers, heads of households, and now, the face of the Sudanese revolution,” according to Washington-based Darfur Women Action Group (DWAG).

Women’s slowly-increasing influence in the emerging democracy of post-revolution Sudan has highlighted the many roles they play in Sudanese society, as business owners, doctors, lawyers, activists, and cabinet ministers as well as mothers, sisters, nurses, caretakers, teachers, housekeepers, and cooks. Radio Dabanga strives to be at the forefront of news organisations projecting these voices on the Sudanese and international media landscape.

According to Radio Dabanga Project Officer, Laura McDowell: “When women’s voices are in the minority, there can be a lot of pressure on individual women to present a ‘women’s perspective’, which is problematic. But when we regularly hear from a whole range of women, not just about ‘women’s issues’ but on all matters, then we get closer to building a more inclusive and better understanding of some of the complex issues facing Sudan.”

In 2019, Radio Dabanga began monitoring its media content and audiences, with a specific focus on representation of women in the audience and in the newsroom.

Media monitoring

Overall, the gender balance of both presenter and guest voices at Radio Dabanga has improved since gathering of gender-disaggregated data began at the end of 2019.

At the time, the proportion of shows presented by women on Radio Dabanga was just over 20 per cent. This figure has increased gradually. 35 to 40 per cent of shows on Radio Dabanga have been presented by women for the past five months.

There has also been a significant rise in the diversity of women interviewed on the radio. In late 2019, only 16 per cent of Radio Dabanga guests were women. By February 2021, this figure almost doubled, with more than 30 per cent of Dabanga guests being women. Across all Radio Dabanga feature programming, including shows on youth, democracy, health, and transitional justice, women with different areas of expertise and experiences are sharing their knowledge.

Due to cost and accessibility barriers, it is difficult for Radio Dabanga to get reliable and up-to-date data shortwave radio and satellite TV audiences in Sudan. This is particularly true in areas that are remote or experiencing conflict, including Dabanga’s priority target areas: Darfur, Kordofan, and the Blue Nile.

Although the gender of Dabanga’s website audiences remains skewed in favour of men, it is encouraging that in the younger age groups, this gender imbalance is less pronounced. For example, among 18 to 24 year olds on both Arabic and English website, women represent more than 40 per cent of users.

“It’s possible that more women are accessing Dabanga’s content online than the figures show. Research has shown that when families or couples share a computer or phone, it’s more likely to be owned or controlled by men in the household. Nonetheless, we know that there is still much work to be done to ensure Dabanga’s online and radio content is relevant, accessible, and interesting to all genders,” says Laura.

Sudanese media

Women especially face systemic barriers on the path to becoming journalists or being cited as experts by Sudanese media.

As part of the 2021 Media4Women campaign and in light of International Women’s Day, Radio Dabanga’s Kandaka radio programme will focus on the contributions of and challenges facing women media producers throughout March. Freelance radio producer and journalist, Hanadi Saeed, will be speaking with women journalists about their experiences working in Sudan’s rapidly changing media environment.

The African Centre for Justice and Peace Studies (ACJPS), which is dedicated to creating a Sudan where all persons and groups are granted their rights to non-discrimination, equality and justice, stated in January that the use of criminal law to intimidate or silence activists and others who exercise their right to freedom of expression, online and offline, is not new in Sudan. The regime of ousted dictator Omar Al Bashir frequently relied on crimes of defamation and publication of false news to harass real or perceived critics of the regime.

The organisation, based in New York, pointed out that Sudan is party to of the African Charter on Human and Peoples' Rights and therefore has a duty to "ensure the elimination of every discrimination against women and also ensure the protection of the rights of women."

ACJPS also called on the authorities to take the necessary steps, legislative and others, to put an end to discriminatory actions that impair equal enjoyment of rights by women, after a human rights and women's rights defender was sentenced to one year in prison over a Facebook video she broadcast.

International trend

The Global Media Monitoring Project (GMMP) research indicates that while there is some progress on some indicators concerning representation of women in the media, women's invisibility as subjects and sources in the news is still the norm, especially for marginalised women.

In an interview with Free Press Unlimited*, an NGO based in Amsterdam, the Netherlands, which has supported Radio Dabanga operationally for more than ten years, Sarah Macharia, the global coordinator of GMMP said: "We have seen some small gradual changes. Between 2000 and 2005 there was a three percent increase (from 18 to 21 per cent) in women as sources and topics in the news. Between 2005 and 2010 we saw another three per cent increase. However, between 2010 and 2015, it stagnated."

Macharia says that another statistic, namely the percentage of women producing news, did not change at all between 2005 and 2015. "Across the decade, only 37 per cent of the news was reported by women. That led us to wonder if there was a global 'glass ceiling' for women reporters. I can say that 2020 is looking a bit more promising. We are noticing some small steps in the right direction. The change is small but it is there."

Gender in Sudan

Women have been visible leaders on the frontlines of the 2018 December Revolution against the regime of Al Bashir, ousted in April the following year. News outlets estimated that about 70 per cent of the protesters were women.

Since the fall of the former regime, the death penalty for apostasy has been repealed. Female Genital-Mutilation (FGM) has been outlawed and the execution of children has been banned. Women no longer need the consent of their husband or male guardian to travel with their children.

The Constitutional Document of August 2019 guarantees 40 per cent representation to women in the 300-seat Legislative Council, still to be formed. The new quota is an increase from the previous representation quota of 25 per cent, which was set during the former regime.

Yet, Sudanese women remain on the side lines. Only 12 per cent of the Juba Peace Agreement table included women. Women's rights groups in Darfur and Khartoum continue to call for a broader representation in the new transitional government and in all aspects of Sudanese life.

*Free Press Unlimited, which has supported Radio Dabanga operationally for more than ten years, is a not-for-profit NGO based in Amsterdam, the Netherlands. Free Press Unlimited helps local journalists in conflict areas to provide their audience with independent news and reliable information. The information that people need to survive and give shape to their own future.

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Democratic Republic of the Congo

Official Website of the International Criminal Court

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Congo-Kinshasa: Quash Whistleblowers' Death Sentences (Human Rights Watch)

March 9, 2021

Kinshasa — Investigate Corruption Allegations

Authorities in the Democratic Republic of Congo should quash the death sentences imposed in absentia on two whistleblowers who provided information on corruption. Congolese authorities should instead investigate the allegations of criminal activity reported by Gradi Koko and Navy Malela, two former bank employees who exposed alleged illegal financial practices and money laundering.

Koko and Malela both worked in the audit department of Afriland First Bank CD, the Congolese subsidiary of Afriland First Bank, whose headquarters are in Cameroon. Koko said that in 2018 his superiors at the bank directly threatened him after he reported serious financial irregularities internally. In the face of these threats, he and Malela shared a trove of data and documents with the Platform for the Protection of African Whistleblowers (PPLAAF), a nongovernmental organization based in France. The information they provided led to a series of investigative reports in July 2020 by PPLAAF, Global Witness, and media outlets, including Bloomberg, Le Monde, and Haaretz.

"Congolese authorities have made a mockery of the rule of law by prosecuting two whistleblowers for revealing information of major public interest that's critically important to Congolese institutions," said Thomas Fessy, senior Congo researcher at Human Rights Watch. "Their convictions should be quashed, and their revelations should be the basis for independent and impartial investigations."

The published reports allege that Israeli billionaire Dan Gertler, a longtime friend of former Congo President Joseph Kabila, established a money laundering network with Afriland First Bank CD at its center. The scheme purportedly helped Gertler evade United States government sanctions against him and to acquire new mining assets in Congo.

Koko fled Congo in 2018 and sought asylum in Europe; Malela followed in early 2020. On February 26, 2021, they revealed that they were the source of the reports.

"I am not an armed rebel chief and my denunciations are useful to Congo, so why should I be sentenced to death?" Koko told Human Rights Watch by phone. "I fear reprisals, and I fear for my family in Kinshasa."

On February 25, representatives for Afriland and Gertler told journalists at a news conference in Kinshasa that the Tribunal de Grande Instance in Kinshasa had sentenced the whistleblowers to death in absentia on September 7 for "forgery," "theft," "private corruption," "breach of professional secrecy," and "criminal conspiracy." Neither Malela nor Koko - or their lawyer - had knowledge of the court hearing. The trial violated the men's right to a fair trial under international law, Human Rights Watch said.

Shortly after the February 25 news conference, a Congolese news outlet posted a copy of the verdict online and shared it on social media. "How could we possibly discover the copy of this judgment, of which we had no knowledge, on social media?" Koko said.

The verdict reiterated unfounded and baseless allegations against PPLAAF and Global Witness that first emerged after publication of their July 2020 report. It included claims made in video clips shared by newly created social media accounts that the organizations had used underhanded methods to collect their information. In a statement issued on March 5, Global Witness said the "the false and highly defamatory allegations... [had] no factual basis whatsoever."

On February 26, new investigations based on another batch of leaked bank records reported more details about Gertler's elaborate system of alleged money laundering, and showed that Afriland First Bank CD also harbored accounts for several companies tied to alleged financiers of Hezbollah and people suspected of links to North Korea's armament program. Other records showed large sums of money allegedly transiting through the personal accounts of some Congolese officials.

Afriland First Bank CD denied all allegations of wrongdoing to Radio France Internationale. Gertler has also rejected all accusations of corruption and sanctions violations and said that Koko and Malela were "victims" of "appalling conduct" by anti-graft organizations.

Also on February 26, a fake YouTube channel was created impersonating the anticorruption watchdog Transparency International. The channel posted videos targeting anticorruption organizations working in Congo. It followed a months-long online smear campaign and abuse against the investigative consortium that revealed the alleged money laundering ring in 2020.

The latest revelations came a month after it emerged that Gertler had been granted a special license by the Trump administration in its waning days, effectively lifting US sanctions against him for one year. On March 8, 2021, in response to domestic and international outrage, the Biden administration revoked this license, reiterating that Gertler had "engaged in extensive public corruption."

The United Nations Joint Human Rights Office and the embassies of Belgium, France, and the US have all raised concerns about the sentences handed down against Koko and Malela. Human Rights Watch opposes the death penalty in all circumstances because of its inherent cruelty.

Congolese authorities should immediately exonerate Koko and Malela or risk deterring future whistleblowers, Human Rights Watch said. The government should provide both men's families in Congo with physical protection, while any intimidation and harassment against them should be investigated.

The government should investigate and appropriately prosecute the allegations of illegal practices within the banking system.

"Whistleblowers take enormous risks to contribute to a healthy democracy and defend the public good," Fessy said. "The real culprits should be found among those whose impunity allows them to siphon Congo's wealth and hinder its development."

Congo-Kinshasa: Death of an Ambassador and the Congolese Slaughter (Inter-Press Service) By
Jan Lundius
March 10, 2021

Stockholm / Rome — On the morning of 22nd February a jeep from the World Food Programme (WFP), followed by another one with the Italian ambassador, Luca Anastasio, was driving along Route Nationale 2 passing by The Virunga National Park, an UNESCO Congolese World Heritage Site famous for its dwindling population of unique mountain gorillas.

A perilous voyage, not only due to tomb-deep potholes, but especially the presence of various, extremely dangerous, armed criminals. Since most people in the area are poor it is quite common that children and women are abducted in groups, to make a joint ransom worth while. However, a foreigner (humanitarian worker, or occasional tourist venturing to spot gorillas in the National Park), or a medical doctor, may provide a more substantial ransom. To release a physician Congolese kidnappers have been paid up to ten thousand USD. This might be a reason to why the WFP logo painted on the white jeep attracted the attention of attackers.

By the so called Three Antenna Crossing, armed men rushed out from the jungle, though they were immediately discovered by armed rangers protecting the National Park, who opened fire and drove the assailants away. However, the ambassador's driver, Mutapha Baguma, was already dead, the ambassador expired just minutes after him, while his bodyguard, the carabinieri Vittorio Iacovaci died during transport back to Goma.

These shocking deaths, were in international media generally overshadowed by COVID-19 and turbulence in the U.S. and Myanmar. Just as more than 25 years of ongoing misery and mass slaughter in The Democratic Republic of the Congo (DRC) seldom have come to the forefront of international reporting. After Algeria, DRC is the largest country in Africa and has a population of at least 110 million. In 2010, it was estimated that due to the ongoing conflicts in the DRC people died at a rate of 45,000 per month. The death toll during the First (1996-1997)- and Second (1998-2003) Congo Wars and subsequent internal conflicts has been estimated to 5,5 million, making the still ongoing crisis the most devastating conflict since World War II.

The NGO Human Rights Watch estimated that armed groups in eastern Kivu, where the Italian ambassador was killed, had between June 2017 to June 2019 killed more than 1,900 individuals and kidnapped at least 3,300. According to UNHCR, the situation in the DRC has worsened after 2017 and remains a major moral and humanitarian challenge, comparable to the wars in Syria and Yemen. What is often ignored by international media is that the largest militias intend to benefit from the extraction of diamonds, oil, precious timber and minerals. All this to line the pockets of already rich sponsors, who may be found both locally and abroad, this while poverty continues to reign among most Congolese and it has been like that for at least one hundred and fifty years.

While I was working for the Swedish International Development Organization (Sida) I met during a visit to Senegal Professor Kandeh, who came from another West African nation. The nice and witty Kandeh told me:

It may not appear so, but for several African nations natural resources are an evil curse, a reason for greed and violence to wreck havoc all over. I have witnessed how the discovery and exploitation of natural wealth have plunged peaceful agricultural communities into an unfathomable inferno. No ... I tell you, if desirable resources are found within a poor, rural society - just pour asphalt all over the site, seal it off and keep people out. I might be exaggerating, but you cannot imagine the misery I've seen.

The vast area of the Congo River Basin did for centuries support small agricultural communities, hunters and gatherers, as well as kingdoms like Azande, Luba and Luanda, until the monstrously greedy Belgian King Leopold at the 1885 Berlin Conference acquired "rights to the Congo territory". How the king of a small European nation could be "granted" a territory

big as the combined areas of Spain, France, Germany, and the Scandinavian peninsula, is undeniably absurd. Nevertheless, Leopold declared that all this was his private property and named it the Congo Free State. His army, Force Publique, forced the local population to produce rubber and collect ivory. From 1885 to 1908, millions of Congolese people died from disease and ruthless exploitation. In 1908, Leopold, reluctantly ceded "his" State to the Belgian State and it became known as Belgian Congo.

On 30th June 1960, Congo achieved independence. Patrice Lumumba was elected as the huge nation's first Prime Minister. The outlook was bleak. By the end of the 1950s no Congolese within the Force Publique had been promoted beyond the rank of non-commissioned officer. Even if approximately 42 percent of youth of school-going age was literate, most education had been limited to vocational training. Within an estimated population of 17 million, only 1,400 students were in 1960 receiving academic education, in Congo or abroad, and during seventy-five years of Belgian rule an infinitesimal small part of the population had been allowed to enjoy such an opportunity.

At once, conflicts arose over the administration of the territory. With active support from Belgium the mineral rich province of Katanga attempted to secede under Moïse Tshombe. After the UN and Western governments refused his requests for aid, Lumumba approached the Soviet Union, was taken prisoner and less than half a year after his accession he was executed in the presence of Katangan and Belgian officers.

By late 1965, the head of the Congolese Army, Mobutu Sese Seko, gained a dictatorship through a coup d'état and due to his anti-communist stance he received considerable support from the United States. Corruption became rampant. Mobutu headed a full-fledged kleptocracy which he himself termed le mal Zairois, the Zairian Sickness. Following the 1996 Rwandan civil war and genocide and the establishment of a Tutsi-lead Government, the infamous Interahawame, the murderous Hutu militia, fled to eastern Congo, using it as a base for incessant incursions against the Rwandan Government, while they allied with Mobutu's forces to attack Banyamugele, Congolese Tutsis who supported the armed Congolese opposition led by Laurent-Désiré Kabila.

In 1997, Kabila ousted Mobutu, but his refusal to give concessions to the Banyamugele people, and the governments of Rwanda and Uganda, led to the Second Congo War, which ultimately engaged nine African nations, and at least twenty armed militias, causing immense bloodshed and suffering. "Peace" was brokered in 2003, but due to this conflict DRC has still five million internally displaced persons and one million refugees abroad.

Epicentre was the eastern provinces of South and North Kivu (where the Virunga National Park is situated). Ruthless armed units like Fdlr and Adf, still operate in the area, terrorizing the civil population. Forces démocratiques de libération du Rwanda (Fdlr) consists of ethnic Hutu, several of them former Interahawame, mainly fighting the Banyamugele and Rwandan government troops. Forces démocratique alliées (Adf) are Muslim Ugandans fighting their Central Government from bases in the Congolese Northern Kivu province. Adf cooperates with various international Jihad groups, which goal it is to establish a Wilaya, a sharia-governed province in the centre of Africa. Both Fdlr and Adf terrorize and extort the local population and so do common bandits, militias from Burundi and occasionally even units from the national Congolese army.

By the beginning of 2001, President Kabila was assassinated and his son Joseph took over the presidency, though DRC remained poor and corrupt, while abuses of human rights, forced disappearances, torture, arbitrary imprisonment, endemic rape and restrictions on civil liberties continued.

After civil unrest, due to Joseph Kabila's initial refusal to accept an election defeat, Félix Tshisekedi was sworn in as President in January 2019. He has then tried to convince the presidents of Uganda, Rwanda and Burundi, none of of them are on good terms with one another, to cooperate in efforts to pacify the Kivu area and participate in programmes to integrate militia members in civil society, or maybe even in regular armies. Uganda's and Rwanda's presidents have reluctantly agreed to discuss pacification plans with Tshisekedi, while Burundi's Ndayishimiye has so far refused to participate in any discussions. Uganda's Museveni has been president for 35 years and Kagame of Rwanda has governed his nation since 2000. International observers are pessimistic about the outcome of deliberations about stabilising the situation in Kivu, pointing out that "it is difficult to discuss viable solutions and cooperation without taking into consideration problems with functional democracy within the region and a wealth of hidden agendas. Furthermore, Tshisekedi is by several leaders considered to be inexperienced and weak."

The UN has 18,000 peacekeepers in DRC, though they have been far from achieving their goal to support any peaceful coexistence. Furthermore, the Trump administration withdraw much of its support to the Congolese UN mission, forcing it to shut down five bases, to cut costs.

In spite of this quagmire of death and suffering many stakeholders are still interested in Congo, though far too many of them are not motivated by any humanitarian concerns, but rather a desire to lay their hands on the nation's natural wealth. Few believe in a radical change for the better. The death of a well intentioned person like Ambassador Luca Anastasio is not helpful. Anche Mukwege, Nobel prize winning director of a hospital just south of Kivu stated:

I am very saddened since Luca wanted the best for my people. He paid for his concern for others with his life.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

**Official Website of the International Criminal Court
ICC Public Documents - Situation in the Republic of Côte d'Ivoire**

Côte d'Ivoire: Legislative elections in Yopougon (Africa News)

March 4, 2021

Legislative elections scheduled to take place this Saturday in Cote d'Ivoire are abuzz with talks of former president Laurent Gbagbo — who was forced out of office nearly 10 years ago by President Alassane Ouattara, before being flown to The Hague to face war crimes charges.

His Ivorian Popular Front (FPI) party has since ended a years-long electoral boycott, becoming the engine behind an alliance battling for seats in the National Assembly.

The elections "mark the return of Laurent Gbagbo and his political organisation in institutional politics," said Gbagbo's eldest son, Michel, a university academic running in a constituency in Abidjan.

Michel Gbagbo, who is also a candidate in legislative elections, feels empowered, "Let's go to the elections and take back the power to give it back to whoever has the right to it in Ivory Coast. Go vote."

Ouattara ignited political unrest last year when he announced he would seek a third term in office — a scheme that critics said sidestepped constitutional limits.

Clashes claimed 87 lives and left nearly 500 people injured, while most of the opposition snubbed the October 31 ballot.

His victory lacked credibility in the eyes of many observers both at home and abroad and incited resistance.

Gilbert Kafana Koné, legislative candidate of the Rally of Houphouëtists for Democracy and Peace Party (RHDP) is unphased and resolute.

"This election is an opportunity to take stock. They all came to power here (Yopougon), we saw what they left. We also saw what we have done in 10 years. That's the balance sheet. But if they continue to believe that time has remained fixed, that things haven't changed, well, we're waiting for them, they'll have for their illusions on the evening of the 6th."

The runup to Saturday's vote has seen a jolt run through Ivorian politics as the well-organised FPI strives to get out the vote.

The left-leaning coalition has forged an unprecedented electoral deal with the biggest centre-right party — the Democratic Party of the Ivory Coast (PDCI) headed by Henri Konan Bedie, a former president and former Ouattara ally.

The self-described goal is to win enough legislative seats to prevent Ouattara and his RHDP party from "consolidating (their) absolute power."

Ouattara had reached out to Gbagbo to quell the electoral chaos — issuing him with a diplomatic passport. Exactly when he will make his return is unclear.

The International Criminal Court (ICC) has authorised him to make foreign trips if the host country accepts him, pending the outcome of the appeal, which is due by March 31.

He previously said he hoped to return in December, but his increasingly frustrated supporters now say it will be in mid-March

and have set up a committee to prepare a spectacular welcome.

Gbagbo was president from 2000 to 2010, a time of turmoil, division and economic destruction in this major cocoa and coffee producer.

He was ousted by force of arms in April 2011 after a months-long conflict that claimed several thousand lives, sparked by his refusal to accept electoral defeat at Ouattara's hands.

His long trial at the ICC in The Hague was over charges that he abetted the post-electoral violence.

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Lake Chad Region – Chad, Nigeria, Niger, and Cameroon

Nigeria says army kills 25 Boko Haram militants in clearance operation (Xinhua)

March 10, 2021

Nigerian troops have kill 25 Boko Haram militants in a recent clearance operation in the restive northeast state of Borno, an army spokesman said on Wednesday.

Some weapons were also captured in the operation, which was launched following a Boko Haram attack earlier this month on the town of Dikwa, Mohammed Yerima said in a statement.

Troops were ordered to “project further to clear other adjoining villages which include Chikun Gudu, Kerenoa and environs,” the statement said.

“In the course of the clearance operation, troops encountered heavy fleets of the terrorists, engaged and ultimately obliterated them,” Yerima said.

Boko Haram has been trying to establish an Islamist state in northeastern Nigeria since 2009. The terror group has also extended its attacks to other countries in the Lake Chad Basin.

Deaths From Terrorist Activity Up Nearly 20% In 2020 (Forces Net)

March 10, 2021

The number of deaths from terrorist activity was up by nearly 20% last year, despite a fall in the number of attacks, according to new data.

Figures from Janes, a global agency for open-source defence intelligence, showed 17,122 non-militant deaths in 2020 as a result terrorist attacks.

The data showed an increase of 2,543 deaths - or 17.4% - compared to the 2019 figure.

Despite this, the 2020 Global Attack Index showed a 3.7% fall in the number of attacks to 13,310.

Matthew Henman, head of terrorism and insurgency at Janes, said the downturn could be "largely attributed to the July ceasefire in Ukraine's Donbass region".

However, this "masked major shifts in violence in Afghanistan and key conflict zones in sub-Saharan Africa", where attacks and deaths "rose dramatically", he said.

Afghanistan was named the most dangerous country, with 2,373 attacks by non-state armed groups (NSAGs) recorded by Janes.

It was also the deadliest country, with 6,617 fatalities - a 15.9% increase from 2019.

Mr. Henman said the total number of deaths recorded in Afghanistan was higher than the combined total of the next six deadliest countries, and accounted for more than one-third (38.6%) of all non-militant fatalities worldwide.

"Across 2020, the most attacks were recorded in Afghanistan – while the country, coupled with Syria and Ukraine, cumulatively accounted for more than half of all attacks worldwide," he added.

Janes said Afghanistan's increasing violence was "almost exclusively" driven by Taliban attacks on security forces after a peace deal was signed with the US in February last year.

Mr. Henman said attacks in Syria and Ukraine decreased by 29.1% and 36.5% respectively, offsetting the increase in Afghanistan.

However, attacks in Iraq rose to 1,466 in 2020, an increase of 50%, which was "largely driven" by the so-called Islamic State's Iraq province.

Janes data showed a 2.9% increase in attacks by the group, after consecutive years when attacks declined.

Fatalities from these attacks grew by 16.8%, which Mr Henman said was the result of "mass-casualty operations" conducted by so-called Islamic State in the Lake Chad basin and Sahel region.

Janes also recorded a doubling in the number of attacks in the Democratic Republic of Congo (DRC) in 2020, with resulting deaths increasing more than three-fold.

The DRC was second only to Afghanistan in terms of recorded non-militant fatalities in 2020.

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Liberia

Kosiah Defense Witness Refuses to Leave Switzerland Saying His Life is in Danger (Front Page Africa) By Lennert Dodoo

February 25, 2021

The war crimes trial of Alieu Kosiah was thrown into turmoil on Thursday as one of the Liberian witnesses flown to Switzerland to testify on Kosiah's behalf told the court he will not return to Liberia because his life is in danger because of his testimony.

"It will be better for me to be jailed with Kosiah because my life will be protected," he told the Swiss Federal Criminal Court prosecuting Kosiah for war crimes in connection with Liberia's 14-year civil war. "My life is not safe in Liberia."

The man had arrived in Switzerland on Tuesday and was to be return to Liberia on Thursday. In a strange turn of events, he is one of several witnesses called by Kosiah himself to help him establish his defense that he was not guilty of the war crimes described by the seven plaintiffs in the case.

Presiding judge Jean-Luc Bacher told the 40-year-old that he had agreed to the terms and conditions of his participation before boarding the plane, which did not permit him to stay on. The judge said that his protection was in the hands of the Liberian government, not that of Switzerland. But the man insisted he did not want to go back to the West African country.

"You say I free to go back home but I am not free to go back home," he said in verbal sparring with Bacher that lasted several minutes. The witness said he was afraid people loyal to Kosiah would retaliate against him for his testimony. "I am evidence. Liberians are good at destroying evidence. I need to be protected."

Bacher asked him to talk to prosecution lawyer Andreas Müller and immediately called off the proceedings. Kosiah's lawyer Dimitri Gianoli did not respond to a late text asking for comment.

The man's actions will cast a chill on all the ongoing European investigations of Liberians accused of war crimes. Finding witnesses with strong, clear memories of the atrocities they witnessed and also the courage to testify has been a challenge for investigation teams. International governments may be less willing to undertake a case that risks witnesses claiming asylum

because of their testimony.

The man's actions may influence the other witnesses in the trial who are in Switzerland awaiting their turn to testify over the next two days. Should the man eventually be granted asylum that could also influence the thinking of potential witnesses in the future. None of the witnesses flown to the US in the trials of Mohammed Jabbateh and Thomas Woewiyu in Philadelphia claimed asylum.

The move comes as a Finnish court has begun proceedings in Liberia against accused war criminal Gibril Massaquoi. Rather than bring the Liberian witnesses to Finland, the Finnish court decided to go to them in Liberia. But having witnesses testify on Liberian soil presents other challenges, including the fear that they will feel less free to speak.

New Narratives has agreed to the plaintiffs' lawyer's requests to conceal the identities of the witnesses because of their credible fear of retaliation. European media covering the trials has observed the same precaution.

'Kosiah initiated me'

In extraordinary testimony on Wednesday, the witness whom Kosiah and his lawyer presumably thought would absolve Kosiah of the alleged crimes, made a clear case that Kosiah had recruited him as a child soldier, a war crime itself.

The man, now 40, told the court that Kosiah recruited him when he was a child in 1992. He said Kosiah and other rebels had captured him when he was 12, in Todee, Montserrado County. Later they trained and assigned him as a bodyguard to Kosiah with whom he stayed in Tubmanburg, Lofa, Bong and Monrovia between 1992 and 1998. He said he and other children had been caught up in a gun battle between Kosiah's United Liberation Movement of Liberia for Democracy (ULIMO) and their rival the National Patriotic Front of Liberia (NPFL) led by future president Charles Taylor.

"He (Kosiah) was the one who initiated me in the revolution. He took me to be his son," the 40-year-old man said. "He saved my life. I took him to be my second god.

"Everywhere he was going I had the right to be there, and everywhere I was he had the right to be there. That is why I know a lot about him," he said, adding that he tasted Kosiah's meals before the commander ate them. He told the court that he and Kosiah fought many battles together, surviving ambushes and mines. He showed the court scars on his limbs that he said were the result of those events.

The man said he was in contact with Kosiah in Switzerland before Swiss authorities began investigating him for war crimes. Kosiah served as director of the Criminal Investigation Division (CID) of the Liberian National Police between 1995 and 1996 following a cease-fire agreement among warring factions. He fled Liberia to Switzerland in 1997 after Taylor won the elections. A year later, he was granted asylum and lived there peacefully as a married resident until his arrest in November in 2014.

All seven Liberians who lodged the complaint against Kosiah have testified to the court already, detailing all 25 counts of murder, cannibalism, rape, sexual enslavement, forced transportation, looting and recruitment of a child-soldier. Kosiah, 45, who faces a maximum 20-year sentence in this mountainous, central European country, denies all of those charges. He says he was not in Lofa between the early and mid 1990s when he is accused of having committed the acts.

The man—the second former ULIMO fighter to testify in the trial expected to end on March 5—dismissed the charges against Kosiah. He denied Kosiah, killed, raped, looted and forced civilians to head-carry loot long distances.

"He was a good man. He was one of the commanders that saved people's lives in Lofa," he said, answering a question from the presiding Jean-Luc Bacher. "If you go to Lofa, people will praise him."

"I never saw him looting," the man said. Kosiah was uncharacteristically calm throughout the man's testimony, not even seen much flipping through his papers nor chatting to his lawyer Dmitri Gianoli as he had done during previous testimony.

Wednesday's witness also told the court several times that ULIMO committed crimes, something the court has heard throughout since this trial resumed on February 15. He admitted hearing about the butchering of civilians in Foya District and placing of their body parts in wheelbarrows, which the plaintiffs in this trial have spoken of. He conceded that some civilians were tied with their hands locked behind their backs—a torture known as "duck-fowl tie bay." He said ULIMO forced villagers to transport looted goods.

"ULIMO looted, I will not lie to you," he said, adding that it did not have external support so had to loot to support their war. "We did the transport because we needed food."

After his testimony, the court heard another former ULIMO rebel. The trial will continue on Thursday with another surprising defense witness – another ex-ULIMO commander.

Liberia: Final Witness Backs Plaintiffs' Allegations Kosiah Murdered Civilians (Front Page Africa)

By James Harding Giahvue

February 28, 2021

The final witness in the war crimes trial of Alieu Kosiah, called by Swiss state prosecutors, took the stand on Friday and gave testimony corroborating plaintiff claims that the former United Liberation Movement for Democracy of Liberia (ULIMO) commander killed young civilian men that he and his rebels had forced to carry looted goods in Kolahun District, Lofa County in 1993.

The witness, a mathematics teacher who was flown in from Liberia to testify, told the Swiss Federal Criminal Court that he was among groups of young men who were forced to carry the goods long distances back to the rebel base. Many witnesses have told the court that Kosiah and his rebels killed men who could not carry the loads.

The man told the court that he witnessed Kosiah shoot a young man named Musa Kpandeh in Kolahun after he complained of being tired from transporting looted goods—including parts of a generator—on the 10-hour walk from Pasolahun. Rebels, allegedly under Kosiah's orders, had raided the town early in the morning and forced them to carry the items.

"Yes, Kosiah shot [the man]," said the teacher. "He had a pistol."

Now 45, the teacher said that Kosiah killed Morlu Kpandeh, the other man, in Konehun for dropping ammunitions he had forcibly transported a whole day from Gondolahun.

"Kosiah fired him and he died," he told presiding judge Jean-Luc Bacher. "Their goal was to make sure their looted goods were safe, even if the lives of the civilians were not safe."

The teacher said Kosiah's gang of rebels had killed two other men on the route from Pasolahun to Kalahun town.

"It was difficult for us but we had to manage to survive," he said. The court has ordered journalists to conceal the identities of the witnesses because they have a credible fear of retaliation or intimidation.

Kosiah is charged with 25 counts of murder, cannibalism, rape, sexual enslavement, forced transportation, looting and recruitment of a child-soldier. The alleged crimes happened between 1993 and 1995 in Lofa County. Seven Liberians—who have testified already—are the plaintiffs in this case.

Kosiah denies the charges, saying he was not in that part of the country at the time. He, also 45, faces 20 years in a Swiss prison—the maximum penalty for any crime—in the European country that borders Austria, France, Germany and Italy.

The teacher's testimony corroborated those of the fourth and fifth plaintiffs—they recognized each other in court—on the alleged killings in the Gbandi countryside. His account also matches other details of the plaintiffs' testimonies. Like them, he mentioned the same places of Kosiah's alleged forced transportation—the Lofa River, Gondolahun and Belle Fasama—among others. He gave the same accounts involving the generator, Kosiah's attire and said the dates the events occurred.

The witness painted a chilling portrait of Kosiah and ULIMO, established in May 1991 by Mandingo refugees and runaway soldiers of the Armed Forces of Liberia (AFL).

"ULIMO intimidated and beat civilians. It was impossible not to participate [in the forced transport]," he said. "They thought they were gods."

His testimony came after two dramatic days where Kosiah was permitted to invite witnesses to testify on his behalf. While both witnesses tried to defend Kosiah they also, apparently inadvertently, collaborated accusations of at least one war crime leveled against Kosiah.

In a baffling decision that suggested he still did not understand the charges level against him, Kosiah called as his first supporting witness a man he had recruited as a ULIMO fighter when he was just 12-year-old. Recruitment of a child soldier is one of the war crimes Kosiah is charged with.

The witness then threw the proceedings into confusion by demanding Switzerland grant him asylum because he said he was afraid of retaliation from Kosiah's allies. Kosiah's second witness, a former ULIMO commander, told the three-judge panel that Kosiah was present in Lofa between 1993 and 1994, something Kosiah had denied, and collaborated that he had recruited the first witness as a child soldier.

Dmitri Gianoli, who heads Kosiah's defense team, tried to discredit the teacher's accounts during cross examination by suggesting he had been put up to his testimony by justice activists. The prosecution witness admitted he had first sought a

scholarship at the Global Justice and Research Project (GJRP), which has been instrumental in gathering evidence in this trial and others, but then found out the group documents wartime atrocities. Gianoli tried to prove to the court the witness had prior knowledge of GJRP's investigation of his client but the teacher said a friend had misled him.

Gianoli tried to make the case that the man and two of the plaintiffs had staged their testimonies but the prosecution witness held on firmly to his story. The witness also told the court that, though he had met one of the plaintiffs in Pasolahun during the war, they had not met since 2007. The man also answered Gianoli's questions about some details of the town like the name of the town chief and the owner of the generator.

Kosiah's defense has sought throughout the trial to sow doubt in the plaintiffs' case. On Friday they tried unsuccessfully to have the teacher give details that differed from previous witnesses. Responding to a question on the looted generator, the witness demonstrated how townsmen used sticks, lifted the machine and carried it on their shoulders. He named the same rebels the plaintiffs had named in their testimonies: "Scarred Face Kaba," "Senegalese" and "Elephant Tail."

Following his cross-examination, the teacher urged Swiss authorities to persuade the Liberian government to establish a war crimes court for the country. Liberia's Truth and Reconciliation Commission (TRC) Report in 2009 recommended a war crimes court for Liberia to try ex-warlords such Alhaji Kromah, the co-founder of ULIMO, and Charles Taylor, who is serving a 50-year sentence in Britain for war crimes in Sierra Leone. But that has yet to happen more than 10 years after the TRC's report.

Kosiah is the first Liberian to be prosecuted for war crimes over the Liberian Civil War (1989-2003), which killed an estimated 250,000 and displaced a million. He had moved to Switzerland in 1997 and became permanent resident a year later. But he was arrested in the Swiss capital of Bern in November 2014 suspected of war crimes.

Prosecution, plaintiffs and defense lawyers will begin legal pleadings on Monday through Friday, and a date for the final ruling will be announced.

Prosecutor Pushes Court to Convict, Jail and Sanction Kosiah (Front Page Africa) By James Harding
Giahvue
March 2, 2021

Alieu Kosiah should be convicted of all the war crimes charges he faces, jailed for a maximum 20 years and then barred from entering Switzerland for 15 years, prosecutors said on Monday in their final argument four days to the end of the historic trial.

Chief prosecutor Andreas Müller told the Swiss Federal Criminal Court Kosiah was guilty of the 25 counts of murder, cannibalism, rape, sexual enslavement, forced transportation, looting and recruitment of child-soldier. He told the three-judge panel that Kosiah killed for power and looted for wealth.

"There's no clean war,' Kosiah is right," said Müller, quoting the suspected Liberian war criminal when he appeared in court on last Monday. "But war is no exception to the law, the ultimate red line that affects the victims concerns all of humanity. We are here to defend this ultimate red line. No matter how much time has passed, no matter the 5,000 km that separate countries."

Müller said Kosiah should be given more than 20 years, ruling an old Swiss law that limits penalties for war crimes to that period. Müller pointed to the jail terms handed to others involved in the wars in Liberia and Sierra Leone – Charles Taylor received 50 years, Chucky Taylor 97 and Mohammed Jabbateh, convicted of criminal immigration fraud rather than war crime, is serving a 30 year sentence.

"Alieu Kosiah acted in one of the most cruel conflicts in history, in defiance of the elementary rules of war and above all the very principle of humanity," Müller said. "So, Judge, don't sit back and do nothing."

Kosiah, 45, denies the charges against him, saying that he was not in Lofa County between 1993 and 1994 when the alleged offenses were committed.

A permanent resident of Switzerland since 1998, he is the first Liberian to face a war crimes court in connection with the country's 14-years of civil war. He is one of three former fighters of the United Liberation Movement of Liberia for Democracy (ULIMO) to be indicted for crimes related to the war. The others are Mohammed Jabbateh and Kunti Kamara.

Kosiah is accused of 18 civilian murders, including seven in Zorzor, four in Kalahun, eight in Foya, one in Voinjama and one in Babahun.

The brother of one of the victims in Zorzor is one of the seven Liberians who filed the case against Kosiah in 2014, which led to his indictment in 2019 and the trial last December. The man, the first plaintiff to testify against Kosiah when the trial began two weeks ago, said he watched the killings at a gas station that day. Kosiah says he came to Zorzor after it had already been captured, a story another ex-ULIMO general corroborated.

But Müller asked the court not to believe the defendant. “The murders took place after Zorzor was taken—one day later, five days later. Regardless, [the first plaintiff] recognized Alieu Kosiah, although in reality he doesn’t know which commander took the city.”

“Targeting civilians is prohibited! There is no room for interpretation in the law,” Müller said. “It is obvious that the accused knew that even in civil war, one cannot kill a civilian or a captured enemy.”

Looting and Forced Labor

Kosiah is accused of ordering the looting of two generators as well as palm oil, cocoa and other items from villagers. Plaintiffs say he ordered the civilians to carry those looted goods through routes to the Guinean border via Voinjama and Foya. All of the seven plaintiffs in this case, the prosecution witness and some of Kosiah’s own witness corroborated those claims.

Müller told the court looting was organized under Kosiah. He said the ex-commander had a “business model,” forcing civilians to carry looted goods and ammunitions to the Guinea border. He said taking the goods to Guinea was important to the Mandingo-dominated ULIMO.

He spoke of the alleged looting of generators in Pasolahun and Foya and forced transportations under Kosiah’s order in Kolahun, Voinjama and other places.

“Alieu Kosiah is guilty of looting between July and December 1993, and between March 1994 and December ‘95,” he told presiding Judge Jean-Luc Bacher. “He must be sentenced according to the provisions already cited.”

Recruitment of child-soldiers

Kosiah is alleged to have recruit a 12-year-old boy in 1992 in Bomi County and used him as child-soldier throughout the first half of the civil war. The boy, now 42 who appeared as Kosiah’s own witness last week, told the court he fought and got wounded with Kosiah on the frontline as a bodyguard and had to taste Kosiah’s food to ensure it was not poisoned.

“[The boy] decided to enlist to survive the war and save the lives of those close to him,” Müller said. “Yes, his enlistment was voluntary but the defendant authorized his enlistment and also made him participate in the fighting. The defendant knew he was under 15 years old. He must be condemned for it.”

The trial resumes Tuesday with the final argument of the plaintiffs’ lawyer Alain Werner.

Kosiah Demands US\$1.5M Compensation (Liberian Observer) By James Harding Giahvue
March 5, 2021

Alieu Kosiah has demanded the Swiss Federal Criminal Court pay him 1,356,000 Swiss Francs (US\$1.458 million) for compensation for the six years he has spent in detention awaiting this trial and for the emotional and reputational toll the charges have taken.

“The long, unjustified detention of which he was subjected demands compensation,” Dmitri Gianoli, Kosiah’s lawyer, told judges on Thursday in his second day of closing arguments. Gianoli said the money would go toward “reparation for moral injury, serious injury to [Kosiah’s] personality due to the disclosure of his identity in the press, because of his harsh conditions of detention having induced back pain.”

He put the cost of his defense of the war crimes suspect at 300 Swiss Francs per hour for 6 years, or over US\$1 million.

On Tuesday, the seven Liberians who are Kosiah’s accusers in this case also asked for more than US\$8,500 (LD1.5 million) each in compensation but their request is only for legal formalities. Plaintiffs are required to claim compensation in a civil action in Switzerland whether or not the accused can pay. Kosiah does not have any money to give them. However, Kosiah’s claim is against the Swiss State and he will receive the money if he wins the case. The trial ends on Friday and the verdict expected to be announced later this month.

Kosiah, 45, faces 25 counts of murder, cannibalism, rape, sexual enslavement, forced transport, looting and recruitment of a child-soldier. He denies the accusations, saying he was not in Lofa County between 1993 and 1995 when the alleged offenses were committed even though two of his own witnesses put him in the area at the time.

Kosiah faces a maximum 20-year term in a Swiss prison.

Kosiah has been vocal about his lengthy pretrial detention—highly unusual in jurisdictions which protect the rights of accused to be treated as innocent until they are proven guilty. He was remanded in November 2014 and has been detained ever since. Kosiah yelled in court on a number of occasions. Human Rights Watch and other groups have also criticized Swiss authorities over the long detention.

Kosiah ‘must be freed’

Gianoli was optimistic in his proceedings, telling the court he would only take 30 seconds to respond to all four lawyers representing the plaintiffs’ when they conclude their arguments on Friday.

“Neither the prosecution nor the proceedings have provided proof of Kosiah’s guilt,” Gianoli said. “We are in a word-for-word situation as far as I have shown he is not there,” he said. “And even if he had been there, how could he be guilty of the continually changing versions of the plaintiffs? He must be freed from all penalties.”

Gianoli reemphasized that Kosiah was not in Lofa between 1993 and 1994, Kosiah’s key defense in this trial, and that the plaintiffs are mistaking him for another person.

“Alieu Kosiah must be acquitted of all charges because he was not there,” he told the three-judge panel hearing the case. “The Liberians (plaintiffs) have lived everything without being present, have known everything without knowing. Kosiah is not the ULIMO group. He can only speak as a person.”

Gianoli continued pointing out contradictions in the plaintiffs’ complaints and testimonies as he had done the day before. This time he was even more pointed, listing the inconsistencies with all the plaintiffs and the prosecution witnesses.

During their testimonies, the plaintiffs and prosecution witnesses admitted to changing details in their initial complaint or pretrial investigation. Some of the contradictions include descriptions of Kosiah’s gun, the complainants’ dates of birth and the exact towns where some of the alleged offenses occurred.

Alain Werner, the lawyer of four of the plaintiffs, told New Narratives in an interview outside the court the inconsistencies Gianoli points out were because of human errors and do not hurt their case.

“In our view, on the contrary, it is proof that their testimonies were very genuine, they did not fabricate stories,” he said, adding that the contradictions were also due to language and cultural differences. “In our view, Mr. Kosiah and his lawyer did not explain what could be the motive [of the plaintiffs lying against Kosiah].”

Judge Jean-Luc Bacher will announce the date of the verdict following the conclusion of legal argument in the case.

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EAST AFRICA

Uganda

**Official Website of the International Criminal Court
ICC Public Documents - Situation in Uganda**

A Major Anti-Kony Verdict Is No Relief (Foreign Policy) By Sally Hayden
March 9, 2021

GULU, Uganda—In her office in Gulu, an impoverished city in northern Uganda, Stella Angel Lanam is worried about eviction. She is the founder and director of the War Victims and Children Network, an organization that helps women who, like her, were abducted during Uganda’s lengthy war and forced to become wives to rebel fighters and mothers to children born out of rape. These days, she’s simply struggling to pay

rent. “Ever since we came back home, we did not get the support,” she said.

Uganda’s former decadeslong conflict came under the spotlight last month when the International Criminal Court (ICC) reached a verdict against Dominic Ongwen, a former child soldier-turned-commander in the Lord’s Resistance Army (LRA). The rebel group was headed by Joseph Kony, whose brutality was infamously depicted in the short documentary *Kony 2012*, which was produced by an American charity and went massively viral.

Ongwen was convicted on 61 charges of war crimes and crimes against humanity, including the first ICC conviction for forced marriage and the first conviction for forced pregnancy at any international court. The presiding judge, Bertram Schmitt, ruled that Ongwen had personally attacked seven women and coerced others to marry and have sexual relations with men under his command, calling these actions a “coordinated and methodical effort” to commit sexual and gender-based crimes and emphasizing the role of sexual violence in the conflict.

Human rights groups hailed the decision as a milestone in the fight against impunity for sexual crimes. But in northern Uganda, it’s hard to find much enthusiasm for the verdict among survivors who are grappling with poverty, stigma, and the total absence of government support. Between the late 1980s and mid-2000s, tens of thousands of children were abducted by the LRA. The boys were indoctrinated and turned into fighters. Girls were assigned as so-called wives and threatened with murder if they tried to get away. “The abuse of women and girls in the LRA was truly systemic and institutional,” Schmitt said.

But he also acknowledged another unsettling reality: Forced marriage and pregnancy can have “complex emotional and psychological effects” on survivors, who, despite their lack of consent, may feel “bonded” to their abusers.

And many of the women Ongwen targeted are less worried about a proclamation of guilt in some faraway court than they are about scabbling for money to buy food, finding shelter, paying their children’s school fees, and generally trying to survive—worries they have had ever since leaving the LRA.

Over the past few years, during interviews I’ve done with dozens of women who were kidnapped and forced into such “marriages” in the bush, most said they received little or no help once they escaped, and they were given no government compensation. Without an education or skills, they aren’t able to earn a living. Many say this is a key reason why they face so much stigma; they could have been welcomed back by their families if they weren’t a financial burden. Most women viewed the men in the rebel group as victims, too. The majority did not want Ongwen to be charged or sentenced. One of Ongwen’s so-called wives, Dilis Abang, said she is worried about what will happen to their children if the man she still calls her husband is unable to support them.

Sarah Kihika Kasande, the head of the Uganda office of the International Center for Transitional Justice, an organization that seeks accountability for human rights abuses in post-conflict countries, said the ICC verdict was significant because it looked at the “full spectrum of sexual crimes and other atrocities that the people experienced and their lasting impact.”

“Forced motherhood was a defining feature of the conflict,” she said. “Young women were forced not only to be sexual slaves ... but to give birth to children who would be groomed to become child soldiers.”

The Pentagon says it won its war against the Lord’s Resistance Army. But the notorious rebel group is far from a spent force.

But she also recognized that the case against Ongwen has been contentious, tracing some of the controversy back to a government amnesty program that encouraged LRA fighters to defect and be welcomed back to their communities. The program, Kasande said, did not take into account the gendered needs of escapees. While male defectors were invited to join the Ugandan military and draw a salary, women were effectively left with nothing. “The aspect of sexual violence is not the immediate concern [for the women],” she said. “It is the consequence of the sexual violence.” Survivors still live with trauma, suffer from medical problems, and have children to support.

The last few decades have seen growing efforts around the globe to remove impunity for sexual crimes in war. The Rome Statute, which established the ICC, was one of the first international treaties to list conflict-related sexual and gender-based crimes as crimes against humanity and war crimes, while expanding what could be prosecuted. “[It’s] dizzying to think of how many people endured the indignity and pain of being forced to become pregnant, or [were] forced to remain pregnant, or forced to give birth, before states eventually decided in 1998 to make forced pregnancy a crime under international law,” tweeted Rosemary Grey, an academic focusing on international criminal law and gender, following the Ongwen verdict.

Despite the legal framework being in place, prosecuting cases is fraught with “inherent challenges and unanticipated delays,” according to a spokesperson for the Office of the Prosecutor of the ICC. “Mr Ongwen managed to evade justice for a decade after the ICC issued an arrest warrant for him in 2005.” After he was apprehended, it took 15 months for the prosecution to present its evidence, followed by presentations from survivors’ representatives and Ongwen’s defense, which lasted roughly another 15 months.

In the 19 years since the ICC's founding, only five people have ever been convicted for war crimes and crimes against humanity. Of those, three included initial convictions for sexual violence. The first, against Congolese politician Jean-Pierre Bemba Gombo, didn't occur until 2016 and was later overturned. Judges said Gombo could not be held responsible for the actions of troops under his control. Three years later, in 2019, Congolese military leader Bosco Ntaganda was convicted of rape and sexual slavery, but his case is currently under appeal. Ongwen is also expected to appeal. "When it comes to convictions, it is important to note that the verdict at trial, albeit significant, is not the end of the process," the ICC spokesperson said.

Globally, there was a boost in awareness of sexual and gender-based violence when the 2018 Nobel Peace Prize went jointly to Nadia Murad, an activist and Yazidi survivor of sexual slavery, and Denis Mukwege, a Congolese gynecologist who has treated tens of thousands of women in the conflict-wracked region of eastern Democratic Republic of the Congo. Still, activists and survivors' representatives say much more needs to be done.

Katrien Coppens, the director of the Mukwege Foundation, which advocates for an end to sexual violence as a weapon of war and supports survivors, said that while high-profile convictions send a message about the gravity of these crimes, they are "not more than a first step." Even with a guilty verdict, compensation for survivors is not guaranteed. The court may order reparations for women in the Ongwen case, but the process could take years. Meanwhile, thousands of other survivors of rape, sexual slavery, forced marriage, or forced pregnancy who never got the chance to participate in a justice process also need help. Coppens pointed to the Global Survivors Fund, recently founded by Mukwege and Murad, as an important attempt to fill those gaps. It aims to make at least \$50 million available for survivors of conflict-related sexual violence by 2022.

Many LRA survivors blame the government for what happened to them. "I was a young girl," said Lanam, who was 10 years old when she was kidnapped by the LRA. "The government didn't protect me." During northern Uganda's war, the Ugandan army was also accused of raping women in camps for displaced people, charges that were never investigated or brought to trial. Yoweri Museveni, the former rebel leader who seized power in 1986, is still president today.

"The pain we got in the bush to now—it will always remain," said Ellen Awma. "We will remember for the rest of our lives." The 35-year-old was kidnapped in 1993, when she was just 9 years old, and forced to "marry" an LRA commander the same year. In 2004, she escaped with four children. She has been rejected by both her family and his.

Santa Aber, 40, is another survivor who was made to live in the bush for 11 years and came back with a daughter. She was rejected by her relatives.

"I don't want to be ashamed," Aber said. She sat on the ground—a bullet wound in her back means she can't stay in chairs for a long time—and reiterated the need for support for the women who survived. "This thing spoiled our future," she said, wondering where all the "good Samaritans" are when it comes to providing survivors with tangible support. Ongwen's conviction means little to Aber, who struggles to buy even basic necessities. "There's been no international help," she said. "Maybe the world can focus on that."

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Somalia

Somalia: Al-Shabaab executes 5 people for spying (AA) By Mohammed Dhaysane

March 2, 2021

The Somali-based al-Qaeda-affiliated terror group al-Shabaab has executed five people in the southern town of Jilib in Somalia's Middle Juba region.

Abdirahman Adan, a local official of the Jubaland administration in the state's administrative capital Kismayo, told Anadolu Agency over the phone that the people executed by al-Shabaab were civilians.

"It's not the first time al-Shabaab terrorists execute civilians, and they also forced the people of the Jilib town to come out and watch the execution," he said.

Hundreds of people were gathered in Jilib, southern Somalia, where the terror group executed the five people.

The Middle Juba is the only region in the Horn of African country that al-Shabaab fully controls.

The terror group accused the five executed of spying for US and Somali intelligence agencies, according to al-Shabaab-affiliated media on Tuesday.

They were executed publicly by a firing squad after a so-called al-Shabaab court in Jilib allegedly convicted them of being spies for US and Somali intelligence agencies.

Al-Shabaab's leader Ahmad Abu Ubaida meanwhile released a new audio message on Monday marking the centennial death anniversary of Sayid Mohamed Abdullah Hassan, a Somali legendary leader that fought against the British and Italian colonists in Somalia in the early 20th century.

The Somali-based al-Qaeda-affiliated group al-Shabaab has been fighting against the Somali government and African peacekeeping mission forces in Somalia for over a decade.

Al-Shabaab takes credit for assassinating critical journalist in central Somalia (Horn Observer)

March 3, 2021

In the past few months, journalist Jamal Farah Adan knew that he was the enemy of the al-Qaeda-affiliate group al-Shabaab.

"I know that they [al-Shabaab] hate me. But they can not do anything because I am well prepared," he once told friends.

In late December, Jamal went to Galkayo north police station to report about a suspected person tracing him near his home, according to local journalists and family members.

At last Monday 1 March was his last day. Jamal was shot dead by two unidentified men armed with pistols outside his shop, according to a statement by the Somali Journalists Syndicate (SJS).

"Jamal Farah Adan has been shot dead while sitting outside his shop. The body has been taken to the hospital," one colleague told SJS on the phone from Galkayo.

In his 50s, Mr. Adan worked for Radio Galkayo, the city's oldest station before he became the Somali President's special reporter in 2005/2006. He joined Radio Daljir where he became the station manager until 2018. Mr. Adan has been recently working as independent journalist based in Galkayo.

"SJS strongly condemns the killing of Mr. Adan and calls for Puntland authorities to launch an immediate and thorough investigation and arrest the culprits. We also mourn with the family and colleagues of Mr. Adan," SJS added.

On Tuesday, al-Shabaab released a statement taking credit of Jamal's murder. The group said that "a planned operation took place in Galkayo town on Monday killed Jamal Farah Adan" alleging that the critical journalist was "a spy".

Local journalists told Horn Observer that Jamal was an outspoken one who campaigned for improving the security of Galkayo, a city that has witnessed a harrowing events of assassinations and bombings by the terror group.

"Jamal was a brave journalist. Whenever a bombing takes place he would condemn and call locals to come united and defend their lives against the terror group. But you know al-Shabaab is everywhere and that is why they targeted him," said a Galkayo-based radio journalist.

Somalia remains as one of the most dangerous places for journalists across the globe. More than 69 journalists were murdered in the country since 1992, according to a data collected by the Committee to Protect Journalists (CPJ). The country tops the Global Impunity Index of countries where killers of journalists go free.

Car bomb explodes in Somalia's capital, killing at least 20 people (CNN) By Omar Nor

March 6, 2021

At least 20 people were killed and more than 30 others wounded in a car bomb blast in Somalia's capital Mogadishu on Friday night, police and emergency services said.

A car packed with explosives was detonated at the gates of Luul Yemeni restaurant near the port at around 8 p.m. local time (12 p.m. ET), Captain Aden Osman, a senior police officer in the capital, confirmed to CNN.

The explosion was followed by heavy gunfire.

The powerful blast caused widespread destruction of several buildings and business centers in the area, Osman added. Aamin Ambulance services confirmed 30 people have been wounded in the bombing and were rushed to local hospitals.

"Plumes of white smoke covered the city after the enormous explosion followed by gunfire," said witness Liban Yusuf, adding that a building near the site collapsed and a rescue operation was underway to evacuate people trapped in the rubble.

The terror group Al-Shabaab has claimed responsibility for the attack through a statement posted on its affiliated sites.

It is the second attack on the same restaurant since August 2020. The latest blast comes amid tight security measures in Mogadishu during a political crisis over a delayed election. The country's president Mohamed Abdullahi Farmajo's mandate expired on February 8, with no timely elections held.

Last month, another car bomb was detonated near the Somali presidential palace. Al-Shabaab was pushed out of the Somali capital in 2011 by Somali and African Union forces, but the Islamist group have been carrying out car bombings and gun attacks in the coastal city.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Officers Face Crimes Against Humanity Trial (Balkan Transitional Justice) By Albina Sorguc
February 25, 2021

The Bosnian state court on Thursday confirmed an indictment charging Radomir Nedic and Ratko Djurkovic with committing crimes against humanity in the Ugljevik area in 1992.

The court had initially refused to confirm the charges last month, but then the prosecution filed a new indictment with new evidence and a revised description of the alleged facts of the case.

The confirmed indictment charges Nedic and Djurkovic with having "participated in the persecution of the Bosniak civilian population on ethnic and religious grounds" in the period from April to late October 1992.

It claims that Nedic and Djurkovic committed the crimes as part of a widespread and systematic attack by Bosnian Serb military, police and paramilitary forces on the civilian population of the Ugljevik municipality.

Crimes committed during the attack included murders, forcible resettlement, and arbitrary and militarily unjustified destruction of property, the indictment said.

Nedic is charged as the commander of the Bosnian Serb Army's First Majevisa Brigade, and Ratko Djurkovic as the commander of the First Battalion of the First Majevisa Brigade.

The indictment claims that as superior officers, they both failed to undertake necessary and reasonable measures to punish the immediate perpetrators of the crimes.

Interpol Urges Arrest of Bosnian War Detention Camp Guard (Balkan Transitional Justice) By Albina Sorguc
February 26, 2021

Interpol has published a 'red notice' calling for the arrest of Mladen Mitrovic,

describing him as a 59-year-old Bosnian citizen who is wanted for crimes against humanity.

The Bosnian state court told BIRN that Mitrovic is suspected of committing his crimes against non-Serb civilians who were imprisoned at the wartime Trnopolje detention camp in the Prijedor area, where he was a guard.

The court said that it issued an order on January 27 this year to issue an international warrant for Mitrovic's arrest.

Bosnian Ex-Fighters Acquitted of Killing Serb Civilians (Balkan Transitional Justice) By Dzana Brkanic
March 4, 2021

After a marathon six-year trial, the Bosnian state court on Thursday found former fighters Edhem Godinjak, Medaris Saric and Mirko Bunoza not guilty of war crimes against civilians and prisoners of war.

The verdict said that the men were acquitted of involvement in a 'joint criminal enterprise' which had the aim of committing "multiple murders of Serb civilians in villages located in the Trnovo municipality, their unlawful arrest and incarceration in detention facilities set up in the territory of Trnovo municipality and setting their property ablaze".

It also cleared the three men of involvement in the killing and inhumane treatment of captured Bosnian Serb Army soldiers in detention facilities set up in the Trnovo municipality.

Godinjak was charged as chief of the police's Public Security Centre in Trnovo and as a member of what was known as the War Presidency in the municipality, Saric as commander of the Territorial Defence Headquarters in Trnovo, and Bunoza as a commander of Croatian Defence Forces units.

They were further acquitted of the unlawful detention of civilians and deliberately inflicting serious physical and psychological pain and suffering.

"For the sake of the victims and the public, I want to say that what led to the acquittal is solely the failure of the prosecution," said presiding judge Mediha Pasic.

Pasic said that there were a large number of crimes against Serb civilians in Trnovo that could not have remained unknown to local commanders and those higher up, but knowing about the crimes was not in itself incriminating if other circumstances are not proven.

"The chamber gets the impression that the prosecution charged the accused only because they had the status [as commanders] that they had in the area," she added.

This was a first-instance verdict and can be appealed.

Bosnian War Defendant Dies Before Prison Camp Trial Verdict (Balkan Transitional Justice) By Emina Dizdarevic
March 10, 2021

Mustafa Djelilovic, a senior wartime figure in Bosnia's Hadzici municipality who was being retried for war crimes after his initial conviction was overturned, has died, his defence lawyer told BIRN on Wednesday.

"Unfortunately, he passed away on the way to hospital last night," said lawyer Edina Residovic.

Djelilovic was the head of the so-called wartime presidency of the Hadzici municipality.

He was being retried alongside seven other Bosniak ex-commanders, policemen and camp guards for crimes against Serb and Croat civilians who were illegally detained at the Silos detention camp, the Krupa barracks and the 9th of May elementary school in the Hadzici municipality during the war.

All eight men were initially found guilty in July 2018, after a six-year trial, of illegally detaining the civilians and holding them in poor conditions in the three detention centres.

The court found that some prisoners were beaten, humiliated and forced to do hard labour while detained.

Djelilovic was sentenced to ten years in prison.

But the Bosnian state court's appeals chamber quashed the verdict in July 2019 after appeals from both defence and prosecution, and ordered a retrial.

The other defendants in the case are Nezir Kazic, who was the commander of the Bosnian Army's 9th Brigade, Fadil Covic, the commander of the local police station in Hadzici; Becir Hujic, the warden of the Silos camp; Mirsad Sabic, the de facto commander of the Pazaric police station in Hadzici; Halid Covic, the deputy warden at the Silos camp; Serif Mesanovic, the warden of the Krupa barracks, and guard Nermin Kalember.

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Domestic Prosecutions In The Former Yugoslavia

Croatia Indicts Serb Ex-Paramilitary for Torturing, Killing Teenager (Balkan Transitional Justice)

By Anja Vladislavljjevic
February 25, 2021

The Croatian State Attorney's Office in the city of Osijek said on Wednesday that it has indicted a former member of Serb paramilitary forces for involvement in the torture and murder of a minor after the occupation of the town of Vukovar in November 1991.

The unnamed suspect, a 70-year-old citizen of Croatia and Canada, is being held in custody due to the risk that he might flee.

The State Attorney's Office said the crime was committed on the evening of November 18, 1991, at the Velepromet industrial storage site in Vukovar, where Croatian civilians and members of the Croatian armed forces were detained, abused and killed after the fall of Vukovar to Serbian forces.

The defendant and two other members of Serb paramilitary units are alleged to have physically abused and killed the 16-year-old victims at the site.

"They hit him with their fists, kicked him and hit him with rifle butts all over his body, and when he was lying on the ground, they stabbed him several times with military bayonets and thus killed him," the State Attorney's Office said in a statement.

Vukovar was besieged from late August 1991 by the Yugoslav People's Army and Serbian paramilitaries.

The defenders of the Croatian town surrendered on November 18, after which all the non-Serb population was expelled, and a number of prisoners of war and civilians were deported to prisons and detention camps in Serbia, while 260 people were executed at the nearby Ovcara farm and in other places.

Ovcara became the biggest mass grave of the war in Croatia.

Over 3,000 soldiers and civilians died during the siege of Vukovar and its aftermath, 86 of them children.

Vukovar and the area around it were handed over to United Nations control after the war ended in 1995, and finally reintegrated into Croatia in January 1998.

Germany: Police arrest Croatian man wanted for war crimes (DW) March 3, 2021

German police arrested a 65-year-old Croatian man after he landed at Frankfurt airport on Thursday morning, authorities said on Friday.

The police acted on a European-wide arrest warrant issued by Croatia that alleges the man's involvement in war crimes during the breakup of Yugoslavia in the 1990s. The warrant specifically mentioned his involvement in four murders.

Police picked up the alleged war criminal after he arrived on a flight from the Serbian capital, Belgrade. They did not name the man or provide any further details.

"The man is accused of four counts of joint murder during the Yugoslav civil war," police told German news agency dpa.

A spokesperson for the Frankfurt district court told dpa that the court would decide on extradition proceedings in the next few weeks.

Croatia gained its independence from Yugoslavia after a violent civil war that pitted independence fighters against Serb-dominated pro-Yugoslavia forces. Ethnic tensions still exist between the Serbs and Croats. Croatia has also seen the rise of the fascist Ustasha movement that has targeted Serb minorities in Croatia.

One of the most well-known cases of genocide carried out during the civil war was against Muslim Bosnians in Srebrenica, in Bosnia-Herzegovina. The United Nations court in The Hague took several prominent participants to trial, including the former Bosnian Serb general Ratko Mladic who was convicted of war crimes in 2017.

Serbia Tries Bosnian Serb Ex-Soldier for Killing Prisoners (Balkan Transitional Justice) By Milica Stojanovic
March 9, 2021

The trial of Dragan Dopudja, a former member of the 15th Bihac Brigade of the Bosnian Serb Army who is accused of involvement in the murders of at least ten Bosniak civilians in the village of Hrgar near Bihac in the summer of 1992, opened at Belgrade Higher Court on Tuesday.

The indictment alleged that “in the period between June 24 and the first half of July 1992”, Dopudja and other members of his unit entered a former tractor repair shop in the village of Ripac where civilians were being detained.

At least ten people were selected from the detention facility, tied up and transported by truck to Hrgar, where they were killed.

Dopudja is accused of personally killing four of them. Bosnian Serb soldiers throw the dead bodies into the Bezdana pit in Hrgar, where they were discovered in 1997, together with 73 other people.

Dopudja denied the accusations, saying that at the time for the alleged crime, he was a member of the military police, and that he only joined the 15th Bihac Brigade in September 1992.

“My defence is that I was not there [at the crime scene], I did not participated in that, I never was at that pit,” Dopudja told the court.

Dopudja confirmed that prisoners were being held at the former tractor repair shop, but claimed that he never entered the detention facility.

The Bosnian prosecution charged Dopudja in 2014, together with former Bosnian Serb military policeman Zeljko Stanarevic. In 2017, Stanarevic was sentenced to 13 years in prison in Bosnia and Herzegovina.

The case against Dopudja was transferred to Serbia, where he lives, and he was charged in December 2020.

Another former Bosnian Serb Army soldier, Sasa Curguz, was also convicted in Bosnia and Herzegovina of involvement in the crime in Hrgar and sentenced to 14 years in prison in 2017.

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Turkey

UN report says Kurds and Yezidis targeted by Turkish-backed groups in Syria (Kurdistan24) By Wladimir van Wigenburg
March 2, 2021

The Turkey-backed Syrian National Army (SNA) is involved in abductions, hostage-taking, and rape of women in northeast Syria, targeting primarily civilians of Kurdish and Yezidi (Ezidi) origin, United Nations investigators said on Monday.

The report “Arbitrary Imprisonment and Detention - Report of the Commission of Inquiry of the Syrian Arab Republic” focuses on human right violations including torture, sexual violence and death in captivity by the Syrian regime, but also by other actors involved in the country’s decade-long civil war, including the SNA, Free Syrian Army (FSA), Syrian Democratic Forces (SDF), and extremist groups such as ISIS, and Hay’at Tahrir al-Sham.

The SNA took control of Kurdish-populated territories during Operation Olive Branch and Operation Peace Spring, including Afrin district in 2018, and Tal Abyad and Ras al-Ayn (Sere Kaniye) in the following October.

The UN report said documented violations in detention were highest in 2018 and 2019, with a majority committed by members of the SNA military police. Eighty-seven percent of identified victims were from minority religions, sects or ethnicities.

“With the capture of Afrin, officially declared in 2018, residents described new patterns of arrests, beatings, kidnappings, and, on occasion, disappearances. As hostilities ceased, a security vacuum emerged, enabling a permissive environment for fighters to engage in abduction, hostage-taking and extortion of civilians,” the report said.

The report said a similar pattern, albeit to a lesser extent, was also observed in the Sere Kaniye region occupied by Turkey in October 2019, mostly affecting returnees of Kurdish origin, including women.

“When abducted, victims – primarily of Kurdish origin – were typically taken to the headquarters of the brigade after being initially held in smaller towns or villages. Victims of hostage taking often saw their property or livestock confiscated and threats, extortion and beatings persisted after their release,” the report said.

“Several civilians were kidnapped multiple times by different brigades and, while some were released upon ransom payments, others went missing or their bodies were found days after their abduction,” the report added.

“When families approached SNA fighters to ask about the whereabouts of their loved ones, they were often provided with no information, threatened or beaten themselves.”

According to the UN investigation, the groups detained civilians, primarily of Kurdish and Yazidi origin, and engaged in “systematic confiscation of the victim’s property, extortion and beatings, which ultimately coerced many to leave their homes.”

“Detainees described being subjected to frequent and severe beatings during interrogation, often to extract confessions regarding alleged links to the Kurdish administration,” the report said.

Kidnapping of Women and Girls from Afrin

The report also documented how women increasingly became vulnerable to abduction, including for forced marriage, and detained at checkpoints or during home and village raids.

“While detained, Kurdish women and, on occasion, those belonging to the Yazidi minority were also raped and subjected to other forms of sexual violence, including degrading and humiliating acts, threats of rape, performance of “virginity tests”, or the dissemination of photographs or video material showing the female detainee being abused,” the report said.

Some Syrian nationals, including women, were transferred to Turkey. While some have been released or returned to SNA custody in Syria, most remain in detention facilities in Turkey, the report said.

The UN Commission concluded that Turkey needs to afford special protection to women and children and remains bound by human rights obligations to all people present in such territories. “In failing to intervene to prevent torture when present or otherwise aware that torture would be employed, Turkish forces may have violated their obligations under the Fourth Geneva Convention,” the report said.

“Further, the transfers of Syrian nationals, detained by the SNA, to Turkish territory, may amount to the war crime of unlawful deportation of protected persons.”

Monday’s report is not the first time the UN has found human rights abuses against Kurds in Syria by groups supported by the Turkish government.

Last September the UN Commission of Inquiry on Syria documented how Turkish-backed groups subjected women, girls, men, and boys to sexual and gender-based violence in Syrian areas occupied by its proxies.

The Kurdish-led Autonomous Administration of North and East of Syria (AANES) called for an international investigation into the kidnapping of women from Afrin after eight were found in the headquarters of a Turkey-backed militia.

Violations by SDF-linked groups

However, the latest report also accused the Kurdish-led forces of human rights violations against political opponents. The report said that the SDF-linked People’s Protection Units (YPG) “arbitrarily detained and, on occasion tortured, activists, NGO

workers, political opponents (such as members of the rival Kurdish National Council), and other individuals, who expressed opposing views.”

“Thirty such cases were documented between 2013 and 2020.”

Twenty-nine percent of former detainees interviewed by the UN investigators who were held by the SDF and related entities reported experiencing inhuman or degrading treatment, “10 percent reported experiencing torture, and one percent reported incidents of sexual violence,” the report said.

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Kosovo Specialist Chambers

Hague Court extends detention for Kosovo war veteran leaders (GazetaExpress) February 25, 2021

The Kosovo Specialist Chambers based at the Hague, which was set up to prosecute and try alleged crimes of the Kosovo Liberation Army (KLA), ruled Wednesday to extend detention on remand for leaders of the Association of the KLA Veterans, Hysni Gucati and Nasim Haradinaj.

The pre-trial judge of the Kosovo Specialist Chambers, Nicolas Guillou, said that the two accused may commit further offences by threatening, intimidating, or putting at risk (potential) witnesses through the disclosure or dissemination of confidential and non-public information and ordered their detention to be extended. Also, the judge ordered Gucati to file submissions on the next review of detention by Thursday, 1 April 2021. Additionally, judge Guillou orders Haradinaj to file submissions on the next review of detention by Thursday, 1 April 2021; and orders the Specialist Prosecutor’s Office (SPO) to submit any statement(s) of the arresting officer(s) or any other material such as video footage, if available, regarding Haradinaj’s arrest by Friday, 12 March 2021.

On 11 December 2020, a Pre-Trial Judge of the Kosovo Specialist Chambers confirmed the indictment filed on 30 October 2020 by the Specialist Prosecutor against Hysni Gucati and Nasim Haradinaj for offences against the administration of justice, namely obstruction of official persons in performing official duties, intimidation of witnesses, retaliation and violation of secrecy of proceedings.

The charges contained in the confirmed indictment relate to a well-grounded suspicion that, between at least 7 and 25 September 2020, on the occasion of three press conferences and other broadcasted events, as well as through further dissemination, including by social media statements, Gucati and Haradinaj revealed, without authorisation, information protected under the law of the Specialist Chambers, including the identifying details of certain (potential) witnesses. Gucati and Haradinaj were arrested as suspects by the Specialist Prosecutor’s Office on 25 September 2020, with the support of EULEX and the Kosovo Police and transferred to the Detention Facilities of the Kosovo Specialist Chambers in The Hague.

The Hague Prosecution Completes Investigation against KLA Commander Salih Mustafa (exitNews) By Die Morina van Uijtrecht

March 5, 2021

The Hague-based Specialist Prosecutor’s Office (SPO) announced that it has completed its investigation in the case against former Kosovo Liberation Army (KLA) commander Salih Mustafa.

During Friday’s status conference where the progress of the case was discussed before the pre-trial judge, the prosecutor said they are ready for the trial against Mustafa to begin.

Mustafa’s lawyer Julius von Boné said they need more time to prepare the defense, with a planned visit to Kosovo on April 5.

Prosecution and Mustafa’s defense previously clashed over the start of trial.

Von Boné said that while the prosecution had years to prepare the case, the defense is being under “lot of pressure in order to file something quickly”.

Salih Mustafa was Commander of a BIA guerrilla unit, which operated within the Llap Operational Zone of the KLA. He is the first Kosovo citizen to be before the Specialist Chambers with a confirmed indictment. His was the first arrested by The

Hague-based court in late September.

The indictment against Mustafa was confirmed on 12 June 2020, charging him on the basis of individual criminal responsibility and superior criminal responsibility with crimes committed by certain KLA members against persons detained at the Zllash detention compound.

He is charged with arbitrary detention, cruel treatment, torture and murder. He pleaded not guilty on each count.

The Kosovo Specialist Chambers and Specialist Prosecutor's Office were established in August 2015, by the Kosovo Parliament to investigate crimes allegedly committed during and just after the war 1998- 2000.

The Chambers are part of Kosovo's judicial system but staffed by internationals and located in The Hague.

New Court Faces Old Problems in Protecting Kosovo Witnesses (BIRN) By Serbeze Haxhiaj
March 8, 2021

Due to the time that has elapsed since the crimes and the paucity of material evidence, prosecutors will rely heavily on eyewitnesses. Many are believed to have already relocated outside of Kosovo and some will have been given new identities.

Witness protection and relocation was one of the key reasons why the Specialist Chambers was established outside Kosovo and staffed by internationals, although it is part of Kosovo's justice system. Previous trials of KLA ex-guerrillas both inside Kosovo and at the UN's International Criminal Tribunal for the Former Yugoslavia have been marred by the intimidation of witnesses.

In some cases, even after they were relocated, they were approached by relatives or others trying to convince them to withdraw their initial testimonies.

In 2008, the International Criminal Tribunal for the Former Yugoslavia indicted Astrit Haraqiaj, a former minister in Kosovo, and journalist Bajrush Morina for contempt of the tribunal by tampering with a witness during the trial of KLA commander turned politician Ramush Haradinaj and others, while journalist Baton Haxhiu was indicted for revealing a witness's identity. All three were convicted.

Cases like this are examples of the challenge of protecting witnesses in Kosovo, a small country with close-knit communities where witnesses' identities rarely remain secret even if they are relocated.

Ehat Miftaraj, director of the Pristina-based Kosovo Law Institute said that if the Specialist Chambers are still dealing with the issue of relocation agreements, this raise questions about its credibility.

"It is unfortunate that even before the trials start, the president of the court is expressing her concerns about the operation of the court and that these statements come out in public," Miftaraj told BIRN.

"This will affect witnesses, increasing their doubts about the professionalism of the court in providing them judicial and physical safety," he said.

Relocation agreements were the main challenge when Kosovo's judicial system was run by a United Nations mission, and later under the mandate of the European Union rule-of-law mission, EULEX.

Jean-Christian Cady, the Head of Justice at the UN Mission in Kosovo, UNMIK, from 2000 to 2004, said that countries were not willing to make any deal with the mission to accept the relocation of witnesses.

"Protection of witnesses and their relocation was difficult because most of the states were not so cooperative with UNMIK," Cady told BIRN.

Cady said that helping the Kosovo Specialist Chambers to relocate witnesses should be a "paramount importance for EU countries" that lobbied for the establishment of the court.

"Still the best way to have more witnesses would be to help them to relocate and grant them asylum in the EU, because if they returned to Kosovo, they could be threatened or murdered," Cady explained.

More concerns were raised when the KLA War Veterans' Organisation somehow got hold of confidential case files from the Kosovo Specialist Chambers and urged media in Kosovo to publish them, potentially exposing protected witnesses' names.

The leader and deputy leader of the War Veterans' Organisation, Hysni Gucati and Nasim Haradinaj, were arrested in

November and now face trial for allegedly obstructing justice and intimidating witnesses.

The perpetrator of the leak from the Hague court has not been publicly identified so far.

The Specialist Prosecutor's Office in The Hague also released documents in November which accused Hashim Thaci and his co-defendants of attempting to interfere with potential prosecution witnesses ahead of their impending trial for war crimes and crimes against humanity.

The Prosecutor's Office said the guerrillas turned politicians "wield enormous influence over former KLA members and Kosovo in general", and accused them of having "actively facilitated and encouraged a climate of impunity and intimidation".

It alleged that "government officials loyal to Thaci and Veseli have presided over corrupt government pay-outs" and offered jobs to influence potential prosecution witnesses.

Mejreme Zogaj remembers it was a warm day in April 2010 when her brother Agim, known in the war crimes trial of ten former Kosovo Liberation Army guerrillas as 'Witness X', left Kosovo.

After years in hiding, attempts on his life, attempts to bribe him and other pressures, Zogaj was relocated to Germany under a witness protection programme.

But despite this, the secrecy of his identity as the main witness in the trial in Pristina of ex-guerrillas including Fatmir Limaj, another former KLA commander who later became a powerful politician, was under threat.

Six months later, Zogaj was found hanging from a tree in a park in the western German city of Duisburg, a month before the trial was due to open. Limaj was ultimately acquitted.

The German authorities ruled that Zogaj's death was suicide, but his family maintains he was killed.

"I never believed this. It cannot be true," Zogaj told BIRN at her house in Lipjan/Lipljan.

She believes that just relocating her brother was not sufficient to protect him.

"When they decide to relocate someone abroad they should guarantee his life. Otherwise it cannot be called protection," she said.

"I hope the new court has learned from the tragedy of others like my brother," she added.

EULEX has repeatedly declined to discuss Zogaj's death or whether he was under its protection at the time.

At home, Kosovo has established a witness protection unit within the Kosovo Police, but it is facing challenges to secure enough funding.

Kosovo's Justice Ministry declined to answer whether or not Kosovo has recently reached any international or regional agreement in the field of witness protection.

Hague Prosecution Accused of Obstructing Kosovo Ex-President's Defence (Balkan Insight) By

Xhorxhina Bami

March 9, 2021

The lawyer for Kosovo's former president, Hashim Thaci, who is awaiting trial for alleged wartime crimes at the Kosovo Specialist Chambers in The Hague, has again accused the prosecution of hindering the defence's preparations for the trial.

"Defence pre-trial preparations are being significantly hampered by the approach taken to [evidence] disclosure by the Specialist Prosecutor's Office," defence lawyer David Hooper said in a request to the Kosovo Specialist Chambers on Monday.

Thaci and three other former Kosovo politicians, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, are all accused of committing war crimes and crimes against humanity when they were senior figures in the Kosovo Liberation Army, KLA in the late 1990s. They have all pleaded not guilty.

Thaci's defence lawyer called on the pre-trial judge to intervene to ensure that the prosecution hands over "complete witness interview materials", including documents, maps, photographs and videos that witnesses refer to during their interviews.

"Without access to the material, a full and proper understanding of that witness' evidence (including an assessment of his/her

credibility) is difficult or impossible to reach,” Hooper argued.

The failure to do this is having a “prejudicial impact” on the defence’s ability to “analyse the evidence, create investigation plans and deploy resources in the most efficient and effective manner”, he added.

Witness protection is a key issue for the Kosovo Specialist Chambers because witnesses have been intimidated during previous trials of Kosovo Liberation Army fighters.

But Hooper argued that the measures being taken by the prosecution were “excessive”, and said that “if there are objectively justified security concerns, then these can be addressed by the application of redactions”.

The indictment in the case alleges that Thaci, Veseli, Selimi, and Krasniqi were part of a “joint criminal enterprise” that aimed to take control over Kosovo during the war “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”.

The Kosovo Specialist Chambers was set up to try former KLA guerrillas for crimes allegedly committed during and just after the Kosovo war from 1998 to 2000.

They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

The so-called ‘Special Court’ is widely resented by Kosovo Albanians, who see it as an attempt to tarnish the KLA’s war for liberation from Serbian rule.

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Azerbaijan

Unlawful Attacks on Medical Facilities and Personnel in Nagorno-Karabakh (Human Rights Watch)

By Hugh Williamson

February 26, 2021

Three unlawful attacks on medical facilities by Azerbaijani forces during the six-week armed conflict in Nagorno-Karabakh have come to light in recent Human Rights Watch research in the region.

Human Rights Watch documented multiple unlawful strikes on a public hospital in Martakert in September through November 2020, and an unlawful strike on a military hospital in the town’s outskirts in October. The hospitals were very close to the front lines at the time.

The weapon used by Azerbaijani forces against the military hospital – a satellite-guided variant of an Israeli-supplied rocket artillery system called LAR-160 – suggests that the strike was intentional. The strikes on the public hospital, including with Grad rockets and cluster munitions, appeared indiscriminate.

The attacks damaged both hospitals and impeded medical work, but no one was wounded or killed in the attacks.

On-site observations, analysis of videos, most of which were on social media, and satellite imagery analysis enabled Human Rights Watch to identify numerous legitimate military targets in Martakert, some of them close to the two hospitals. By locating military facilities, equipment, or personnel inside the city, and near the two hospitals, Nagorno-Karabakh and Armenian authorities endangered civilians and put medical workers and their patients at risk.

Human Rights Watch also documented a deliberate attack on September 28, apparently by Azerbaijani forces, on an Armenian military ambulance, in which assailants shot and killed a military doctor.

Human Rights Watch previously documented damage to two hospitals in Stepanakert, (also referred to as Khankendi in Azerbaijan), the capital city of Nagorno-Karabakh, due to Azerbaijan’s indiscriminate strikes in October, and documented damage to a health clinic in the Azerbaijani city of Barda, in an indiscriminate attack by Armenian forces.

Medical facilities and personnel are civilian objects with special protections under the laws of war. They include hospitals, clinics, medical centers, and ambulances and other medical transportation, whether military or civilian. Parties to a conflict are obligated to ensure that they do not endanger or harm medical personnel, and do not attack or damage hospitals and ambulances.

The analysis of these unlawful attacks is not intended to be a comprehensive account of all damage to medical facilities during the armed conflict. The Azerbaijani government alleged, as of October 13, that six medical facilities had been damaged. Armenian authorities told Human Watch that at least nine medical facilities were damaged in Stepanakert, and in the Martakert, Martuni, and Askeran districts of Nagorno-Karabakh.

Possible Targeted Attack on Martakert Military Hospital

Azerbaijani rocket artillery hit a military hospital in Aghabekalanj, a village just southwest of Martakert city, along the main road, in an apparently deliberate strike on October 14, 2020. Before being hit, the hospital had been providing first aid to the wounded – as many as 130 a day, hospital staff told Human Rights Watch – some of whom were then transported to Stepanakert for further treatment.

The nearest military installation is 1.5 kilometers to the south, along the main road. Satellite imagery taken on October 8 shows that one of the installation's buildings had been hit, damaging its roof. The satellite imagery also shows military positions that pre-date the outbreak of hostilities, fewer than 350 meters southwest of the hospital. Earthen berms are also visible about 150 meters north of the hospital.

As Azerbaijani forces frequently shelled Martakert and surrounding areas during the conflict, patients were treated in the two-story hospital's reinforced basement, where medical staff also slept.

Human Rights Watch visited the hospital in November and found that the attack had caused significant damage. A small structure by the gate was largely destroyed, and the medical workers' housing in the back was severely damaged. The outer walls of the main building showed blast and fragmentation damage, and the windows were shattered. In the yard, there were remnants of several burned vehicles, too charred to identify. The staff said that most were military ambulances.

Sasha Baghiryan, a 63-year-old hospital maintenance worker, and Hayk Aghajanyan, a 20-year-old military serviceman who had been assigned to the hospital to help carry the wounded and run errands for medical workers, said the attack took place between 4:00 and 4:30 p.m. Satellite imagery shows that the attack took place between 11:48 a.m. local time, on October 14, and 11:54 a.m. local time, on October 15. At the time of the attack, both men were in the basement, where medical workers were performing surgery on three wounded servicemen.

Baghiryan and Aghajanyan said that they heard four separate explosions as the rockets hit one after the other. Aghajanyan showed Human Rights Watch four impact craters: two in the yard close to the fence, several meters apart; one on the road near the gate; and one outside the rear of the hospital, near the medical workers' housing. Human Rights Watch found numerous munition fragments at the impact sites.

An examination of the impact sites, weapon remnants, and the proximity of the four points of impact suggest that the strike was carried out by the satellite-guided variant of an Israeli-supplied rocket artillery system called LAR-160, using EXTRA rockets. The Stockholm International Peace Research Institute lists the transfer of LAR-160 launchers and EXTRA rockets from Israel to Azerbaijan in 2005-2006. An EXTRA rocket is equipped with a unitary warhead containing 120 kilograms of explosives, and its manufacturer claims that accuracy of less than 10-meters (circular-error-probable) can be achieved by the rocket's satellite guidance capability.

In light of the preexisting military positions that were about 350 meters from the hospital, and the constant, heavy shelling of the area near the hospital, the October 14 strike may have been indiscriminate. However, the accuracy of the LAR-160 gives a basis to conclude that the strike may have been deliberate.

The hospital roof was not marked with a red cross to signify that it was a medical facility, but the then-ombudsperson for Nagorno-Karabakh told Human Rights Watch that the facility was well known as a hospital, had never been used for any other purposes, and that the International Committee of the Red Cross had the hospital's coordinates. The front of the admissions building was marked with a large Bowl of Hygieia, a cup with a snake, a pharmacy and medical symbol. According to hospital staff, ambulances were coming and going around the clock.

A hospital staff member showed Human Rights Watch a small, one-story building about 100 meters behind the hospital, which he said had served as a warehouse for landmines. He said that "all the landmines were picked up by the military and moved elsewhere when the fighting began in September." The warehouse as such likely represented a legitimate military target, and by storing landmines so close to the hospital Armenian forces put the hospital, its staff, and patients at risk. However, the warehouse was empty at the time of the attack and there were no military positions on the hospital grounds, the staff member said.

Indiscriminate Strikes on Martakert Public Hospital

Martakert's public hospital, the R. Bazyan District Medical Association, is on the northern end of Sakharov Street, which suffered extensive shelling damage during the six-week war.

At the southern end of Sakharov Street, 800 meters from the hospital, there is a military installation, with military positions and military vehicles. A local resident said that he and his battalion were based there throughout the hostilities. When a Human Rights Watch researcher examined the site in November, it had been clearly damaged by shelling.

Another military installation that, as of October 8, had visible activity, is about 250 meters from the hospital. A satellite image taken at 11:54 a.m. local time on September 27, 2020, shows new damage to at least five buildings on the north edge of this base, indicating that the site was struck several times hours after the hostilities began.

Dozens of military positions and earthen berms, which were there before the start of hostilities on September 27, some as close as 350 meters from the hospital, are visible on satellite imagery. These positions are especially concentrated in the eastern part of the town and oriented in the direction of the line of contact. As of October 8, there were large vehicles at some of these positions, suggesting that they may have been in use.

A video recorded on October 6 that credible local sources gave Human Rights Watch shows military personnel and a transport vehicle driving along Sakharov Street, approximately 100 meters south of the hospital entrance.

Due to intense shelling in the area from the first day of hostilities, on October 4 the hospital staff were evacuated to a village some thirty km away and the hospital became a military medical triage center for wounded Armenian forces.

A hospital custodian who regularly checked the facilities after the civilian evacuation said the hospital was hit several times on various days during the six weeks of fighting.

In the October 8 satellite imagery, several impact craters are also visible in the immediate vicinity of the military installation that is 250 meters from the hospital. The October 6 video also shows a large impact crater on the main road, approximately 210 meters west of the hospital.

Three witnesses said most of the damage to the hospital was inflicted on November 9, when shelling in the area was particularly heavy. Satellite imagery shows that the military installation 250 meters from the hospital was also struck sometime between the early afternoon on November 9 and the morning of November 10.

Human Rights Watch visited the hospital on November 24 and noted significant blast and fragmentation damage to the hospital and the adjacent outpatient clinic. Numerous munition fragments were seen at impact sites in the hospital yard, in particular fragments of Grads and cluster munitions carried by LAR-160 rockets. A staff surgeon at the hospital, Dr. Tigran Arzumanyan, and a staff pediatrician, Dr. Khachatur Melikyan, said that the hospital's roof was also damaged in several places.

The two doctors said that when the shelling began on September 27, staff moved all 39 patients, including children and mothers with newborn babies, to the basement. Those whose health allowed it were discharged that day, and the rest were promptly evacuated to Stepanakert, 46 kilometers away.

They said that during the first day of hostilities the hospital also provided first aid to 80 wounded military servicemen, 78 of them with fragmentation wounds, and several wounded civilians. "We lost electricity, so we had to use flashlights while working on the wounded," said Dr. Melikyan. "When the first munition landed here, it was such a big bang that the tiles in the basement flew up."

Several days into the hostilities, the hospital staff were evacuated to Chdlran village, where they worked as a triage brigade for the wounded.

Due to the sheer number of strikes on the hospital, Human Rights Watch was not in a position to match particular strikes with specific damage. But neither of the explosive weapons that Azerbaijani forces used in these strikes – Grads and cluster munitions – can be targeted with enough accuracy to have avoided damaging civilian structures in the area.

Explosive weapons with wide-area effects may have a large destructive radius, be inherently inaccurate, or deliver multiple munitions at the same time, causing high civilian loss if used in populated areas. Often a single weapon will fall into two of these categories.

Grads are unguided rockets that cannot be targeted accurately and are often fired in salvos from multi-barrel rocket launchers to saturate a wide area. Based on the examination of the fragments and the impact points, Human Rights Watch concluded that Azerbaijani forces used "enhanced fragmentation" Grads, which have a layer of steel spheres imbedded between the explosive substance and the skin of the rocket to maximize casualty-producing effect.

Grad rockets cannot be targeted with sufficient precision to differentiate military targets, which may be attacked, from civilians and civilian structures, such as homes and schools not being used for military purposes, which are protected from attack. So, their use in populated areas violates the laws-of-war prohibition against indiscriminate attacks.

Cluster munitions, in this case carried by LAR-160 rockets – Human Rights Watch found two rocket bodies in the yard, close to one of the impact points – are an inherently indiscriminate weapon banned by an international treaty. They typically open in the air, dispersing multiple bomblets or submunitions over a wide area, putting anyone in the area at the time of attack, whether combatants or civilians, at risk of death or injury. Many of the submunitions do not explode on contact, but remain armed, becoming de facto landmines.

Locations contaminated by unexploded submunitions remain dangerous until the remnants are cleared and destroyed. Both Azerbaijan and Armenia used them extensively during the six-week conflict. Use of cluster munitions shows blatant disregard for civilian life and both countries should join the Convention on Cluster Munitions, which bans them, ratified by 110 countries. They should also make an immediate commitment not to use indiscriminate weapons, like Grads, in populated areas.

On September 28, a group of five apparent Azerbaijani servicemen attacked an ambulance on the road in Kalbajar district of Azerbaijan, killing a military doctor, Sasha Rustamyan, 26, and injuring the driver and the accompanying Armenian army sergeant.

At the time, Kalbajar district, now under Azerbaijani control, was still held by Armenian forces. The driver, 26, and the sergeant, 41, interviewed separately, said that the attack took place between 1 and 2 p.m. by the Omar mountain pass, which is very close to the then-line of contact. The ambulance was heading to pick up the wounded at a frontline position, and the sergeant rode in the ambulance to provide directions.

Suddenly, they saw five servicemen, in fatigues and armed with assault rifles, possibly a patrol, blocking the road. The ambulance stopped some 25 to 30 meters away. Dr. Rustamyan jumped out, apparently intending to speak to the servicemen, but they opened fire on the vehicle.

“[Dr. Rustamyan] must have thought they were our [forces]... and then everything happened so quickly,” said the sergeant. Dr. Rustamyan’s relatives showed Human Rights Watch his death certificate stating that he had died of multiple bullet wounds. He was a recent graduate of the Armenian State Medical University.

“The windshield was riddled with bullets,” the driver said. He recalled touching his head and feeling blood on his hand. He executed a protective maneuver by putting the car in reverse, and then turning it over on its left side, by a gorge. He saw Dr. Rustamyan turning back towards the ambulance. Ten meters away from it, he was shot in the back and fell to the ground. “I knew he was dead,” the driver said. “I pushed what remained of the windshield out with my hand, crawled out, shut my eyes, then threw myself into the gorge... While I was rolling down, I heard an explosion.”

The sergeant, who received a lower arm bullet wound, said that he crawled out of the back door of the vehicle. He also rolled into the gorge, stopping on a flat spot a few meters below. From there he saw the servicemen approach the vehicle, search it, and then blow it up. When they left, the sergeant crawled back up and walked some four kilometers until he saw an Armenian military truck. Based on his directions, the military also found the driver. Another group of soldiers picked up Dr. Rustamyan’s body later that day.

The driver, diagnosed with a concussion and mild injuries, and severe shock spent a month in a hospital recovering. The sergeant was at a hospital undergoing treatment for his arm wound when Human Rights Watch interviewed him in December.

The ambulance was a regular UAZ-3962 medical service vehicle. Although painted khaki, it cannot be confused with any other type of military vehicle because of the prominent red-cross markings, including just above the windshield, and the “medical service” sign on the side. At the time of the attack, the driver, the sergeant, and the doctor were dressed in Armenian military fatigues, but the doctor wore a medical insignia on his sleeve. The driver had an assault rifle, which the doctor held while riding but left in the vehicle when he got out of the car to speak to the gunmen.

Carrying firearms for self-defense does not constitute an act “harmful to the enemy,” and the vehicle retains its status as a medical unit.

Neither the driver nor the sergeant could see identifying insignia on the fatigues of the servicemen nor heard them speak. The overall context strongly suggests that the attackers were Azerbaijani forces.

Ambulances have protected status under international humanitarian law, and the presence of military servicemen and firearms in an ambulance does not remove the protection unless there are grounds to suggest that it is being used for purposes harmful to the enemy, such as conveying soldiers to the front line or carrying out attacks. There is no evidence to suggest

either was the case on September 28.

The servicemen on the road should have taken all feasible precautions to ensure that the vehicle and its occupants were valid military targets before carrying out an attack. The attack on the marked ambulance and the subsequent killing of Dr. Rustamyan appear to have been carried out deliberately and may constitute a war crime.

Civilian death toll in mine explosions in liberated lands reaches 10 (Azernews) By Aisha Jabbarova
March 10, 2021

Azerbaijani civilians continue to suffer from the mines planted during the three decades of the Armenian occupation.

Ten civilians have been killed and 21 others have been injured in mine explosions in Azerbaijan's newly-liberated lands since the signing of the peace deal on November 10, the Prosecutor-General's Office has reported.

The office warned citizens against visiting the formerly occupied lands without obtaining permission.

Armenia has refused to provide maps for around 100,000 mines planted during around 30 years of occupation of Azerbaijani lands.

Meanwhile, Azerbaijan's Agency for Mine Action has executed 1,800 operational and emergency field visits as response action to 2,300 calls from September 27, 2020, the Cabinet of Ministers has said in its report for the past year.

As a result of the inspections, 1,600 unexploded munitions, 4,500 pieces of anti-infantry mines, 1,400 pieces of anti-tank mines, 1,900 pieces of anti-tank mine explosive fuses, 77 pieces of detonators, 1,400 pieces of 9N235 type bombs, 21,000 patrons of various calibers, 2 gas-grenades, 6 kg grams of black gunpowder, 275 kg of plastic explosives, 150 kg of ammonium-nitrate explosives, 17 meteorological radio direction detectors for military purposes, 7 drones (neutralized), 2 schemes for missiles and 1,900 unexploded missile parts have been found, the report said.

Some experts believe that Armenia has spent \$350 million to mine lands in and around Azerbaijan's Nagorno-Karabakh region that were liberated from occupation in the 44-day war.

Azerbaijani President Ilham Aliyev on February 26 described Armenia's failure to provide the maps of mined areas in liberated lands as the main difficulty for Azerbaijani IPDs to return to their homes. He said that this can also be considered to be a war crime as several servicemen and civilians were killed in mine blasts on liberated territories after the war.

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Syria

Yemen

Arms suppliers escape blame for the 'world's worst humanitarian disaster in Yemen (Sunday Times) By Thalif Deen

March 7, 2021

The United Nations has singled out the deaths and devastation in war-ravaged Yemen as the "world's worst humanitarian disaster", caused mostly by widespread air attacks on civilians by a coalition led by Saudi Arabia and the United Arab Emirates (UAE).

But rarely, if ever, has the world denounced the primary arms merchants, including the US and the UK, for the more than 100,000 killings since 2015— despite accusations of “war crimes” by human rights organisations.

The killings are due to air strikes on weddings, funerals, private homes, villages and schools. Additionally, more than 130,000 have died resulting largely from war-related shortages of food and medical care.

Saudi Arabia, which had the dubious distinction of being the world's largest arms importer during 2015-19, increased its imports by 130 percent, compared with the previous five-year period, and accounting for 12 percent of all global arms imports, according to the Stockholm International Peace Research Institute (SIPRI).

Despite concerns in the US and the UK about Saudi Arabia's military intervention in Yemen, both nations continued to export arms to Saudi Arabia — with 73 percent of Saudi Arabia's arms imports originating in the US and 13 percent from the UK.

But the newly-inaugurated Joe Biden administration last month threatened to halt some of the US arms sales proposed by the former Trump administration which sustained a politically and militarily cozy relationship with the Saudis.

The sales on-hold include \$478 million in precision-guided munitions to Saudi Arabia and \$23 billion in arms sales to the UAE, including 50 F-35 fighter planes and 18 Reaper drones.

Dr. Stephen Zunes, Professor of Politics and International Studies at the University of San Francisco and founding director of the programme in Middle Eastern Studies, told IPS Biden's decision to cut off direct support for Saudi Arabia's war on Yemen was long-overdue.

The US Congress, he said, had attempted to cut off such assistance last year by passing a ban by a big bipartisan majority. Trump, however, declared a state of emergency overruling the legislative branch.

“Unfortunately, Biden has pledged to (continue) providing arms to support what he refers to as Saudi Arabia's defence needs against alleged Iranian aggression, despite the fact that Saudi Arabia's military budget is five times that of Iran and the Gulf kingdom is, therefore, perfectly capable of defending itself,” he pointed out.

Biden also has pledged aid to protect the kingdom from attacks by Houthi rebels, who have occasionally lobbed rockets into Saudi Arabia, but only in retaliation of the massive Saudi attacks on Yemen.

In addition, “Biden has called for continued support for Saudi counter-terrorism operations, and this is concerning given the monarchy's tendency to depict even nonviolent opponents as terrorists,” said Dr Zunes, a leading scholar of US Middle East policy and senior policy analyst for Foreign Policy in Focus project of the Institute for Policy Studies.

Biden's refusal to place sanctions on Saudi Crown Prince Mohammed bin Salman (known as MBS) “despite acknowledging his key role in the murder of a prominent US-backed journalist as well as his conciliatory phone conversation with King Salman last month,” raises serious questions as to whether the US President is really interested in standing up to the Saudi regime, he argued.

Dr Simon Adams, Executive Director of the Global Centre for the Responsibility to Protect, a human rights organisation that works on preventing war crimes and other atrocities in the world, told IPS the massive humanitarian crisis in Yemen is not the

result of an earthquake or some other natural disaster; it is entirely man-made.

“Starvation is the result of airstrikes and a merciless war that has completely destroyed people’s lives,” he added. The bottom line is that the US should not be selling weapons to any state that has been responsible for atrocities in Yemen, he declared.

Time and again, he said, the UAE and Saudi Arabia have been responsible for war crimes.

“The US is an accessory to these crimes if it continues to supply the bombs, drones and fighter planes used to bomb Yemeni civilians,” said Dr Adams whose Global Centre for the Responsibility to Protect has conducted advocacy with the UN Security Council since the war in Yemen began, arguing that impunity for war crimes by all sides has created the world’s largest humanitarian crisis.

In an op-ed piece last month, Dr. Alon Ben-Meir, professor of international relations at the Centre for Global Affairs at New York University, wrote “Countless Yemeni children are dying from starvation and disease while the world shamelessly watches in silence, as if this was just a horror story from a different time and a distant place, where a country is ravaged by a senseless, unwinnable war while a whole generation perishes in front our eyes”.

Those at the top who are fighting the war are destroying the very people they want to govern; they are the evil that flourishes on apathy and cannot endure without it, he added.

“What’s there left for them to rule? Twenty million Yemenis are famished, one million children are infected with cholera, and hundreds of thousands of little boys and girls are ravenous — dying, leaving no trace and no mark behind to tell the world they were ever here. And the poorest country on this planet earth lies yet in ruin and utter despair, said Dr Ben-Meir.

According to the Norwegian Refugee Council (NRC), 4 million people have been displaced by the war since 2015; 66 percent of Yemen’s population or over 20 million people need some form of aid; half the population — 16 million — will go hungry this year.

More than 5 million people are estimated to be one step away from famine; Only half of health facilities and two-thirds of schools are currently functioning; Water infrastructure is operating at less than 5 percent efficiency.

The war has directly killed more than 100,000 people; Another 130,000 have died from “indirect causes” such as food shortages and health crises; An average of one child dies every 10 minutes from preventable causes.

Funding cuts mean that 9 million people have had their food assistance halved, and 15 major cities are on reduced water supplies. NRC alone has had to cut food rations to 360,000 people.

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Special Tribunal for Lebanon

**Official Website of the Special Tribunal for Lebanon
In Focus: Special Tribunal for Lebanon (UN)**

UN Secretary-General extends mandate of Special Tribunal for Lebanon for two years (Arab News)

February 25, 2021

The UN Secretary-General has extended the mandate of the Special Tribunal for Lebanon from March 1 for a further two years, “or until the completion of the cases before the Special Tribunal, if sooner, or the exhaustion of available funds, if sooner,” the secretary-general’s spokesperson Stéphane Dujarric announced on Thursday.

The mandate of the Special Tribunal for Lebanon, which is based near The Hague in the Netherlands, is to try those accused of carrying out the Feb. 14, 2005, attack in Beirut, which killed 22 people — including former Lebanese Prime Minister Rafik

Hariri — and injured 226 more, Dujarric explained.

“The trial in absentia of four individuals indicted over the killing began in January 2014. On Aug. 18, 2020, Salim Jamil Ayyash was convicted on five counts related to the attack. In the same judgment, the three other accused, Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra were found not guilty,” he continued.

“On Dec. 11, 2020, Ayyash received five concurrent sentences of life imprisonment. On Jan. 13, 2021, the Prosecution, Defense and Legal Representative of Participating Victims filed notices of appeal. Appeals proceedings are currently ongoing,” the spokesperson added.

The Special Tribunal for Lebanon also has jurisdiction over attacks carried out in Lebanon between Oct. 1, 2004, and Dec. 12, 2005, if they are connected to the attack of Feb. 14, 2005, and are of a similar nature. Pre-trial proceedings began in 2019 against Ayyash in relation to three attacks against Marwan Hamade, Georges Hawi and Elias El-Murr that occurred during that time period.

“The Secretary-General reaffirms the commitment of the United Nations to support the work of the Special Tribunal for Lebanon in the fight against impunity for such major crimes, in order to bring those responsible to justice,” Dujarric said. “The United Nations looks forward to the completion of the mandate of the Special Tribunal for Lebanon in a timely manner. The United Nations also looks forward to the continued support and cooperation of the Government of Lebanon. ”

UN court to try Hezbollah member for Lebanon attacks (Arab News)

February 26, 2021

A fugitive Hezbollah suspect will go on trial in June accused of three attacks on Lebanese politicians in the mid-2000s, a UN-backed tribunal announced on Friday.

Salim Ayyash, 57, will be tried in absentia by the Special Tribunal for Lebanon, which in December sentenced him to life in prison for the 2005 murder of Lebanese prime minister Rafic Hariri.

Hariri and 21 others died in a massive suicide bomb explosion in Beirut in early 2005 and Ayyash was one of four suspects tried by the Netherlands-based court.

Ayyash’s sentence is currently under appeal, while the three other suspects were acquitted as the court ruled there was not enough evidence against them. The acquittals are also being appealed.

The new trial concerns three attacks against Marwan Hamade, George Hawi and Elias Murr, said the STL, based on the outskirts of The Hague.

Ayyash faced five counts including the “commission of acts of terrorism” and “intentional homicide,” the court said.

The first attack in Beirut in October 2004, wounded Druze MP and ex-minister Hamade, as well as another person, and killed his bodyguard, the tribunal said.

The second attack, also in Beirut, in June 2005, killed Hawi, the former leader of the Lebanese Communist Party, and injured two other people.

The third attack in July of that year killed one person and injured then defense minister Murr and 14 others in Antelias, near the Lebanese capital.

The case was due to open on June 16, but the date was still provisional, the court said.

Ayyash however remains on the run, with Hassan Nasrallah, the head of the Shiite Hezbollah movement, refusing to hand him over, alongside three other defendants who were eventually acquitted.

The trial against Ayyash is the first new case taken on by the tribunal since its creation in 2007.

Hariri, a Sunni Muslim former prime minister was allegedly killed because he opposed Syrian control over Lebanon. His death led to the “Cedar Revolution” which forced Damascus to pull out in 2005.

Guterres Appoints David Tolbert as Registrar of the STL (naharnet)

March 1, 2021

The United Nations Secretary-General, António Guterres, appointed David Tolbert to the post of Registrar of the Special Tribunal for Lebanon (STL), the STL said in a

statement Monday.

Below is the press release sent by STL:

Tolbert is a highly accomplished international human rights lawyer and former war crimes prosecutor with a record of leadership and innovation, as senior manager in international organizations and NGOs. From 2010 to 2018, he served as President of the International Center for Transitional Justice and, from 2009 to 2010, as the STL's Registrar. Mr Tolbert also worked at various international courts and Tribunals, including nine years at the International Criminal Tribunal for the former Yugoslavia (ICTY).

Tolbert served as Acting Registrar since July 2020, following a leave of absence for health reasons of the former Registrar, Mr Daryl Mundis.

In accordance with the STL's Statute, the Registry, under the direction of the Registrar, is responsible for servicing the operational and administrative requirements of the STL. The Registry provides support to the other organs of the Tribunal to facilitate their functioning and ensure that the Tribunal is in a position to carry out its mandate.

The Registrar's responsibilities include judicial support, such as court management, language services and victims and witnesses, as well as administration. Mr Tolbert is also responsible for the STL budget, fund-raising policies, outreach and public information of the Tribunal.

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Israel and Palestine

ICC opens 'war crimes' investigation in West Bank and Gaza (BBC)

March 3, 2021

The International Criminal Court's chief prosecutor has opened a formal investigation into alleged war crimes in the Palestinian territories.

Fatou Bensouda said the probe would cover events in the Israeli-occupied West Bank, East Jerusalem and Gaza Strip since June 2014.

Last month, the Hague-based court ruled that it could exercise its criminal jurisdiction over the territories.

Israel rejected Ms Bensouda's decision, while Palestinian officials praised it.

The US expressed disappointment and opposition to the move.

The ICC has the authority to prosecute those accused of genocide, crimes against humanity and war crimes on the territory of states party to the Rome Statute, its founding treaty.

Israel has never ratified the Rome Statute, but the court ruled that it had jurisdiction because the United Nations secretary general accepted the Palestinians' accession to the treaty in 2015.

Israel occupied the West Bank, Gaza and East Jerusalem in the 1967 Middle East war. Palestinians claim the territories for a future independent state.

What prompted the prosecutor's decision? In a statement issued on Wednesday, Ms Bensouda explained that her office was obliged to act "where a state party has referred a situation" to it and "it is determined that a reasonable basis exists to commence an investigation".

Ms Bensouda said she had carried out a "painstaking preliminary examination" that lasted close to five years and promised that the investigation would be conducted independently, impartially and objectively, without fear or favour.

"We have no agenda other than to meet our statutory duties under the Rome Statute with professional integrity," she said, noting that she had declined to investigate the 2010 killing by Israeli troops of 10 Turkish activists on the Gaza-bound ship

Mavi Marmara.

"In the current situation, however, there is a reasonable basis to proceed and there are admissible potential cases," she added.

Ms Bensouda, who will be succeeded by British prosecutor Karim Khan in June, also stressed that the "central concern must be for the victims of crimes, both Palestinian and Israeli, arising from the long cycle of violence and insecurity that has caused deep suffering and despair on all sides".

The prosecutor's decision came moments before Israeli Prime Minister Benjamin Netanyahu's glitzy online election campaign launch.

He used the stage to give an excoriating response, saying the probe was an anti-Semitic attack on the only Jewish state.

This approach will continue in public - to undermine the court itself. Behind the scenes though, concerned officials are working to offset, delay and limit its impact. They will try to show that Israel can investigate itself and that an outgoing prosecutor is tying her successor's hands.

They will roll out a plan - understood to be no-expense-spared - to minimise the chance of any future arrest of officers or politicians abroad. Israel's defence minister has acknowledged that "hundreds", including himself, could be at risk, adding: "We will take care of everybody."

And they will rely on the US and other allies for backing. But the level of rhetoric suggests Israel's leadership feels increasingly worried by the progress of the case.

What has been the reaction? Israeli Prime Minister Benjamin Netanyahu said the ICC's decision was "the essence of anti-Semitism and the essence of hypocrisy."

"It found that our brave and moral soldiers, who are fighting the most brutal terrorists on earth, are, of all people, war criminals."

"The court, which was established to prevent a recurrence of the horrors perpetrated by the Nazis against the Jewish people, is now turning against the state of the Jewish people," he asserted.

US State Department spokesman Ned Price criticised the decision.

"We firmly oppose and are disappointed by the ICC prosecutor's announcement of an investigation into the Palestinian situation," he said, adding the US "will continue to uphold our strong commitment to Israel and its security including by opposing actions that seek to target Israel unfairly".

Palestinian Authority Foreign Minister Riyad al-Maliki said: "The crimes committed by the leaders of the Israeli occupation against the Palestinian people - which are ongoing, systematic and widespread - make this investigation necessary and urgent."

The militant Hamas movement, which controls Gaza, welcomed the decision as "step forward on the path of achieving justice", while also defending its actions as "legitimate resistance".

Campaign group Human Rights Watch said "all eyes" would be on incoming prosecutor Karim Khan to "pick up the baton", and that "ICC member countries should stand ready to fiercely protect the court's work from any political pressure".

What alleged crimes are being investigated? Ms Bensouda's preliminary examination is believed to have focused on issues such as Israeli military operations in Gaza and the construction of Jewish settlements in the West Bank - which most of the international community consider illegal under international law, though Israel disputes this.

When the Palestinians asked to accede to the Rome Statute, they recognised ICC jurisdiction for the purpose of prosecuting alleged perpetrators of crimes from 13 June 2014 onwards.

That is one month before a war erupted between Israel and Palestinian militants in Gaza. In the fighting, 2,251 Palestinians, including 1,462 civilians, were killed while on the Israeli side 67 soldiers and six civilians were killed.

Following the preliminary examination, Ms Bensouda said there was a reasonable basis to believe that war crimes were committed in the context of the war, and that charges could be filed against Israel Defense Forces (IDF) personnel and members of Hamas and other Palestinian armed groups.

The prosecutor also concluded that there was a reasonable basis to believe that in the context of Israel's occupation of the West

Bank, members of the Israeli authorities had committed war crimes.

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Gulf Region

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ASIA

Afghanistan

ICC assures Marawi Muslims of fair action on Aghan killings (Inquirer) By Amor Apostol
February 26, 2021

The Information and Evidence Unit Office of the International Criminal Court Prosecutor (ICC) on Thursday (Feb 25) assured a Moro peace activist that the tribunal “will give consideration” to his letter on reported killings last year of civilians in Afghanistan by western troops.

In a letter on February 2, Mark P. Dillon, head of Information and Evidence Unit Office of the ICC Prosecutor, assured that ICC Prosecutor “will give consideration to a letter sent by Maranao peace activist, “as appropriate, in accordance with the provisions of the Rome Statute of the International Criminal Court.”

Carl Ma-amor, a Maranao Muslim peace activist, has called on the United Nations ICC to probe alleged killings of men and children, purportedly by Australian troops in Afghanistan.

Ma-amor, regional chairman of Kilusang Pagbabago in the Bangsamoro Autonomous Region in Muslim Mindanao, said his January 27 letter to the ICC Prosecutor’s Office in The Hague, was sought by families of his fellow internally displaced persons (IDPs) in Marawi City late last year.

Ma-amor also called on Filipino human rights advocates to take a stand on post-conflict atrocities allegedly committed on Afghan civilians by Australian troops.

In his letter to the UN ICC, Ma-amor said: “The reported crimes against humanity committed by the Elite Australian Troops in Afghanistan are truly disheartening and frustrating as our community strengthens ties in combating crimes against humanity.”

In his reply, Dillon assured told Ma-amor: “We will give consideration to this communication (Ma-amor’s letter), as appropriate, in accordance with the provisions of the Rome Statute of the International Criminal Court.”

The Rome Statute is an international treaty creating the ICC to which the Philippines is a signatory-country since 2000. However, the Philippine Senate ratified the treaty only in 2017.

It can be recalled that in November last year, Australia said its own probe “finds evidence of war crimes in Afghanistan,” and

that among those killed were children, according to local media reports that triggered the home-based investigation.

The ICC also assured Ma-amor that “this communication (referring to his letter) has been duly entered in the Communications Register of the (ICC Prosecutor) Office.”

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

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War Crimes Investigation in Myanmar

Activists calls for sanctions in wake of Myanmar coup (Anadolu Agency) By Rabia İclal Turan and Ahmet Gürhan Kartal

February 25, 2021

A group defending human rights in Myanmar is calling on the UN to impose an embargo on the Southeast Asian country to stop its military from using weapons against the public. “The international community must strongly sanction military officials and military-owned companies, and impose a global arms embargo,” said a statement by the Burma Human Rights Network (BHRN), using another name for Myanmar.

Speaking to Anadolu Agency, Kyaw Win, the group’s executive director, touted the effectiveness of a non-violent civil disobedience movement (or CDM for short) in the country’s current situation.

“At least 70% of government employees and workforce joined the CDM movement. So I think this is getting stronger and stronger every day,” he said. “We hope that one day this will severely cripple the military rule.”

He added that they learned from previous mistakes as in a 1988 uprising, when nationwide pro-democracy protests were held in Myanmar but ended up with a military crackdown.

“Every night, government troops and security forces are raiding employees’ residences and houses to arrest them to take them to their jobs,” he said about the current situation, and called on the international community to support the resistance of Myanmar’s people.

‘Targeting their own people’

Win said the first step they expect from the UN is to impose an embargo on Myanmar, adding that the country’s military is using its weapons not to protect the sovereignty of the country but to commit genocide, war crimes, and crime against humanity.

“They are using them against their own people,” he added.

Adding that a few days ago a 16-year-old humanitarian worker was shot dead by snipers in Mandalay city, he asked: “How could they become so ruthless as to use a sniper to target his head in such a way?”

He called the shooting “uncivilized and cruel.”

“Also the military equipment or any technologies, any items that are converted or indirectly can be used in the military and the security forces, also should be banned,” he stressed.

“The UN should impose targeted sanctions on the military and economic interests of the military and their money in Singapore, in Vietnam, in China, in Asian countries, in Western countries as well.”

Telling how the people of Myanmar are “risking their life to stand up against the ruthless regime,” Win said they “desperately need support” from the international community and especially the UN.

Although Win said the people of Myanmar know there will be violence and crackdown, they will continue protesting.

‘Misled on Rohingya issue’

He also accused Myanmar’s military regime of misleading the international community by telling them they will bring back the Muslim Rohingya people, about a million of whom fled the country in response to a 2017 genocidal campaign.

“Look who they appointed to the government,” Win said.

“They appointed all the dangerous people, those who hate Muslims and were involved in anti-Muslim pogroms and killing of Muslims in 2012 and 2013. Now they’re taking high positions in the government in the military,” he stressed.

He said that people from different sides, including Muslims and the Rohingya, stand together against the military regime at a time of urgency.

He added: “There are many young people coming out with posters, saying ‘We’re sorry to the Rohingya, we regret that we didn’t stand up with you’.”

He again urged the international community: “Please do not accept or recognize this military illegal government.”

This week the Burmese Rohingya Community in the UK called on the international community to impose sanctions against Myanmar’s military and stand by the people of Myanmar who are resisting the military coup.

In a written statement this Tuesday, the Burmese Rohingya Organization UK said: “We support the General Strike on Monday 22/02/2021. We urgently call on military leaders to immediately end violence against protesters by police or military forces.”

Military takeover

Myanmar’s military declared a state of emergency on Feb. 1, hours after detaining de facto leader Aung San Suu Kyi and senior members of the ruling National League for Democracy (NLD).

The coup took place hours before the country’s new parliament was set to convene following November elections in which the NLD made sweeping gains.

The military claimed it launched the coup due to “election fraud” resulting in the NLD’s dominance.

Shortly after the Feb. 1 coup, the junta declared martial law imposing a nightly curfew and a ban on gatherings of five or more people.

However, the junta has failed to quell popular protests by the people and a civil disobedience campaign initiated by government officials against military rule.

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AMERICAS

North & Central America

Guatemalan genocide survivors march for justice (Al Jazeera) By Sandra Cuffe

February 26, 2021

Survivors of genocide and other crimes against humanity during Guatemala's civil war are calling for justice as pending trials against ex-military officials stagnate in court.

Indigenous survivors and relatives of victims marched on Thursday in Guatemala City to commemorate the National Day of Dignity for Victims of the Internal Armed Conflict, demanding the government uphold its commitments to peace and justice.

"This day carries so much meaning. It honours our dead," said Rigoberta Menchu, an Indigenous Maya K'iche human rights activist and winner of the 1992 Nobel Peace Prize.

"For many, many years we have struggled for the recognition of victims," Menchu, whose father was killed in a 1980 massacre, told Al Jazeera.

A civil war between leftist guerrilla forces and the Guatemalan military from 1960 to 1996 left an estimated 200,000 people dead and another 45,000 people disappeared. More than 80 percent of victims were Indigenous Maya civilians.

Military forces were responsible for 93 percent of killings, according to a United Nations-backed truth commission. The Commission for Historical Clarification determined state actors committed acts of genocide, and Guatemalan courts have since come to the same conclusion.

The commission presented its report on February 25, 1999, and the date was later recognised as the annual day of dignity for victims. The report helped pave the way for investigations and exhumations that led to the prosecution of high-level former military officials.

Over the past decade, domestic Guatemalan courts have issued landmark rulings on genocide, sexual slavery and other crimes against humanity. But pending cases and trials for genocide, mass enforced disappearances and other civil war-era atrocities are stagnating in the courts.

"Little by little they want to shut down all the cases," said Menchu. "There are major latent setbacks in the administration of justice."

Victim and survivor movements did celebrate a recent important victory, however. The Constitutional Court ruled earlier this month against an amnesty bill that would have freed perpetrators of crimes against humanity.

More than 50 associations of victims, survivors and relatives are still waiting on the Constitutional Court to rule on their challenges to Guatemalan President Alejandro Giammattei's closure last year of three institutions designed to uphold government commitments stemming from the 1996 peace accords.

"To date, there has been no response," Feliciano Macario, a representative of CONAVIGUA, a human rights organisation led by Maya women whose relatives were killed or disappeared, told Al Jazeera.

A delegation from the associations attending on Thursday presented a document to the Constitutional Court, urging the court to rule on the issue. The march then continued on to the Office of the Human Rights Ombudsman, to express support for the ombudsman, before ending outside Congress. The president's office did not respond to Al Jazeera's request for comment on the demands.

Jose Yos was born years after the war ended, but he participated in the march to honour his grandfather. The 19-year-old travelled on Thursday to the capital with his mother and sisters from their home in Santa Lucia Cotzumalguapa, 95 kilometres (59 miles) southwest of Guatemala City.

"My grandfather was a martyr," Yos, who is named after his grandfather, told Al Jazeera. "He fought for human rights and for better pay."

In the late 1970s, the elder Yos and other sugarcane harvesters in the Escuintla department began organising with the Campesino Unity Committee. Some of them later joined committee members from other regions in Guatemala City to protest against abductions and killings by the army, and on January 31, 1980, they occupied the Spanish Embassy.

A fire broke out during a police raid and 37 people – eight Spanish diplomats, including the consul, and 29 civilians, including Menchu's father and Yos's grandfather – burned to death. More than 40 years later, their relatives continue to take action with survivors of atrocities from around the country.

"I feel uplifted here because there is a kind of unity with other relatives of victims," said Yos. "What we seek is justice."

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South America

Colombia Seeks Justice for War Atrocities Via New Court (NY Times) By Julie Turkewitz

March 6, 2021

The testimony is searing. "They tied me to a tree," said one victim of Colombia's guerrillas. "They put us in a cage," said another. "I was kidnapped for four years."

"Until then, I had not heard of 'mass graves,'" said a victim of the military. "Finally I understand that those in charge of protecting civilians killed thousands of Colombians."

After decades of civil war, Colombia has created a historic postwar court designed to reveal the facts of a conflict that defined the nation for generations, morphing into the longest-running war in the Americas.

Thousands have testified. Wide-ranging investigations are underway. The first indictments were issued in January – and the first pleas are expected in April. Perpetrators will be punished, with those who admit responsibility receiving lesser, "restorative" sentences, like house arrest or remaining free while doing hard physical labor. Those who refuse to do so will face trial, and the possibility of decades in prison.

The goal of the court, which began its work in 2018, is to give the country a common narrative about the conflict, one that will allow Colombians to move forward, together. The success of the court, called the Special Jurisdiction for Peace, could help change the trajectory of a nation that has been at war for much of its history, with one conflict rolling almost immediately into the next.

"We have a window – a generational opportunity – to leave behind the insane violence we have lived in all our lives," said Ingrid Betancourt, a former presidential candidate who was kidnapped and held by guerrillas, sometimes in chains, for more than six years. "I would like us to be able to open that window and let the light in."

Colombia's most recent conflicts date to the 1960s, when a leftist rebel group called the Revolutionary Armed Forces of Colombia, or FARC, launched an insurgency meant to remake a sharply unequal society.

The war grew into a complex battle among left-wing guerrilla groups, right-wing paramilitaries, the military, drug cartels and

the United States, which supplied and advised the military.

For years, everyday life was marked by bombings, kidnappings and assassinations. At least 220,000 people died and more than five million were displaced. The war ended in 2016, when the FARC and the government signed a peace deal that included the creation of the postwar court.

But if the goal of the court is to dig up buried truths, it is clear that this search is also exhuming and exacerbating longstanding divisions — and that the road to a common narrative, if one can be found, will be lined with conflict.

Some see the court as their best chance to find answers about lost loved ones, and the country's best hope for peace; others are angered that assassins and kidnappers will not receive prison sentences; still others simply dismiss the court's findings, saying the institution is biased in favor of the former guerrillas.

The court's most prominent critic is former President Álvaro Uribe, who presided over some of the final years of the war, and who remains the country's most divisive and influential political figure. A recent report by the court implicates the military in more than 6,400 civilian deaths from 2002 to 2008, during his presidency.

Mr. Uribe responded to the report by calling it an "attack" with "only one purpose," "to discredit me personally."

The court is held in an imposing black building on a main avenue in Colombia's capital, Bogotá. Some testimony is public, and has been streamed on social media or released in public documents, offering a window into decades of suffering. To protect participants' safety, much of it takes place behind closed doors.

So far, the court's findings have been explosive, revealing victim counts far higher than previously confirmed and hard-hitting accusations that many skeptics did not expect.

In January, magistrates issued their first indictment, accusing eight top FARC leaders of orchestrating a kidnapping-for-ransom operation that lasted decades and resulted in more than 20,000 victims, many of them civilians, some of whom were raped or murdered. The kidnappings were used to fund the insurgency, said the court, and amounts to crimes against humanity.

The accused former FARC leaders have indicated that they will admit guilt. If they do, they will receive non-prison sentences, which could include up to eight years digging up old land mines or tracking down bodies. If they don't admit guilt, they'll face a trial and the possibility of decades behind bars.

They have until late April to reply to the court.

"We are assuming collective responsibility," said Julián Gallo, who is among the indicted leaders, in an interview.

"These were practices that in some form delegitimized our fight," he went on. "What we have asked for is forgiveness." Some see the charges and the defendants' response as signs that the court's decisions will be taken seriously, enabling it to establish that common narrative. Héctor Angulo's parents, a metalworker and housewife, were kidnapped by the FARC on April 19, 2000. He sold his home and paid a ransom for their release, but the guerrillas never returned his parents. He has spent two decades searching for their bodies, he said. He's not sure he can ever forgive, he said, "because the pain one feels for a family member is irreparable." But he supports the court's work, he added, because "it's what we have." Ximena Ochoa opposes the court. Her mother was kidnapped by the rebels on Dec. 16, 1990, held for four terrible months and released after her family paid a hefty ransom. She believes that the court is a distraction designed to gloss over the FARC's unresolved crimes. The guerrillas, for example, have yet to hand over much of their war chest. The court, she said, will allow the former rebels to admit to some things, an effort to placate the international community by claiming that justice has been served in Colombia. "This whole transitional justice thing is a hoax," she said. Of the FARC, she added: "They are never going to tell the whole truth."

Two of the rebel leaders accused of crimes against humanity are sitting senators, including Mr. Gallo — the result of a provision in the peace deal that transformed the FARC into a political party and gave it 10 seats in the 280-person legislature. Some victims are calling on the indicted senators to step down. Others, including Ms. Betancourt, believe they should be allowed to stay. "It's very important that we say to Colombia that we are building a democracy that is mature enough to listen to the political voice of people who committed crimes," but then "accepted and signed the peace accord," she said. In February, magistrates turned their attention to the crimes of the military, issuing the scathing report that implicated officials in the intentional killing of at least 6,402 civilians when Mr. Uribe was in office. The killings were part of a previously revealed strategy in which Colombian soldiers or their allies lured civilians from their homes with the promise of jobs, and then killed them and tried to pass off their deaths as combatant kills. Many of the victims were poor, some were mentally disabled. The idea was to show that the government was winning the war. In Colombia, the scandal is among the most-discussed aspects of the conflict, and victims have become known as "false positives." A previous report from the country's top prosecutor had put

the number of victims at 2,248.

The court's new number is nearly three times as high, and implies that a significant percentage of combat kills in that era were actually civilian murders.

The association of retired military generals responded to the court's announcement by calling the numbers "inflated," and an attempt to "delegitimize the commendable work" of the military.

Magistrates are expected to begin announcing indictments in that scandal later this year.

Mr. Uribe, who has repeatedly said he did everything he could to stop the killings, is exempt from the court as a former president.

During one of the court's public hearings, Jacqueline Castillo described how her brother Jaime, a civilian, disappeared one day in August of 2008, and reappeared days later in a mass grave far from home, identified by the military as a rebel killed in combat. She went to the grave, she said, and watched as men pulled her brother from the earth.

Before, she had idolized the Colombian military.

"They were my heroes," she said, pressing her palm to her heart. "Now they make me sad."

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Venezuela

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TOPICS

Truth and Reconciliation Commission

Paramilitary cooperation with truth commission threatens Colombia's political superpowers (Columbia Reports) By Adriaan Alsema

March 10, 2021

Two former paramilitary commanders with alleged ties to Colombia's ex-President Alvaro Uribe and former Vice-President German Vargas want to testify before the Truth Commission.

Former warlord Hector German Buitrago and former guerrilla chief Pastor Alape asked the president of the Truth Commission, father Francisco de Roux, to be allowed to be heard together.

Their request comes days after the former leaders of the AUC paramilitary organization and the FARC guerrilla group, Salvatore Mancuso and Rodrigo Londoño were granted a similar request.

According to Alape, the idea to jointly testify before the commission is the result of two years of talks between the former leaders of the now-defunct illegal armed groups to “open spaces for reconciliation and assuming responsibilities” for war crimes committed by the former arch enemies.

The FARC’s current reintegration chief asked De Roux to facilitate a public testimony that would allow the admitted war criminals to “tell the truth, and in some way dignify the victims so that they have the possibility to hear the truth and ask questions to clarify the truth about what happened during the conflict.”

The participation of Mancuso and Buitrago is politically loaded as the former AUC chief admitted to ties with Uribe and the former commander of the Casanare Rural Self-Defense Forces allegedly facilitated the 2002 election of Vargas as senator.

“The political result of their expansion was seen later in the 2002 elections when their pawns took a third of the Congress and were able to decisively influence the presidential campaign; they also exercised control over 250 mayors’ offices and nine governors’ offices in the 2003 elections. In total, in various elections, as determined by the justice system, the AUC obtained the election of 26 senators in their areas of influence, representing 1,741,947 votes, and infiltrated and influenced national government agencies.”

Buitrago refused to testify over his alleged ties to Vargas after his arrest in 2012 before former Supreme Court magistrate Leonidas Bustos, who is being investigated for allegedly taking bribes to obstruct justice in trials against politicians.

Mancuso, who will testify together with Londoño in March, has accused Uribe of paramilitary ties on multiple occasions.

The Truth Commission only seeks to establish the truth and shields any participant of criminal prosecution about admitted crimes.

The war crimes tribunal and the ordinary justice system will receive copies of testimonies in order to prosecute alleged guerrilla and paramilitary accomplices.

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Terrorism

Acting Deputy Attorney General John Carlin Delivers Remarks on Domestic Terrorism (Department of Justice) February 26, 2021

Remarks as Delivered

Thank you, Marc. Before I begin, I’d like to address an important issue: the reports of horrific attacks on Asian Americans across the country. I want to be clear here: No one in America should fear violence because of who they are or what they believe. Period. These types of attacks have no place in our society. We will not tolerate any form of domestic terrorism or hate-based violent extremism, and we are committed to putting a stop to it.

I want to thank you for taking the time to be with us today. It’s good see familiar names and for those of you I don’t know yet, I look forward to meeting and working with you in the days and weeks to come.

I am pleased to be joined today by my good friend and law school classmate, Assistant Attorney General for National Security John Demers; and FBI Assistant Director for Counterterrorism Jill Sanborn. I have known Jill as well for years. I even worked with her when I was at the Department before. She is hard-nosed, detail-oriented, and I can’t imagine someone better suited for the job. She is the first woman to hold the position, and it’s a well-deserved promotion after a long and successful career with the Bureau, both in the Counterterrorism Division and in the field.

Today, I am going to discuss briefly the Department’s enhanced response to domestic violent extremism and domestic terrorism, and then I am going to turn the stage over to Jill and John to provide additional remarks and take some questions.

When I left the Department as Assistant Attorney General for National Security in October of 2016, the threat from violent extremists, both international and domestic, was rising.

But, I never expected that just over four years later, when I returned to the Justice Department to be sworn in on my first day as Acting Deputy Attorney General, that to get to the building, I would have to pass through numerous checkpoints under

escort of armed agents in a city under lockdown. I never expected to have to walk through the Department of Justice hallways filled with hundreds of soldiers positioned to protect the Department from terrorists. But I did.

Our mission is simple. That is not acceptable, that is not America, and it will not happen again.

The first briefing that I received in my new job was about the effort to bring the perpetrators of the January 6 attacks to justice and prevent future violent attacks.

The investigation into those responsible is moving at a speed and scale that is unprecedented, and rightly so. Those responsible must be held to account, and they will be.

I receive daily updates on the Capitol case investigation, at least daily. And as of last night, over 300 individuals have been charged in connection with the events of January 6th, and over 280 have been arrested.

Just this week, I had an opportunity to spend more than an hour with members of the prosecution team. They are committed, they are determined, and they will keep us safe from the threat of violent extremism.

The threat, of course, is bigger than any one event, no matter how horrific. It can include not just efforts to disrupt our government — like those on January 6 — but also efforts to intimidate or terrorize our neighbors and members of our community based only on who they are and what they look like. And as I mentioned at the top, all we need to do is look at recent footage from New York and California to see those horrific attacks directed at Asian Americans, to realize how dire the threats are. We must return to an America where no one fears violence because of who they are or what they believe.

To do so, we must make it known that the Department of Justice is prioritizing the detection, the disruption, and deterrence of the threat of domestic terrorism and violent extremism in all its forms. Now, this is something, as with challenges in the past, that we can't do alone, but we have to do with partners, particularly our partners in state and local law enforcement. Together, we will tirelessly pursue justice for all of victims of violent extremism. Judge Garland made that clear this week during his confirmation hearing, and I want to reiterate it today.

While the rise of domestic violent extremism is a serious and growing public safety and national security threat, unfortunately violence motivated by extremism, hate, intolerance, and racism has been a persistent and tragic occurrence throughout American history.

Our Department of Justice was formed to bring justice, and that means battling terrorists, extremists, and hate. That has been true since its beginning, when our first Attorney General led efforts to protect our country from the threat of white supremacists, successfully prosecuting hundreds of cases against members of the Ku Klux Klan.

Today, with the threat persistent and evolving, the Justice Department is keenly focused on how we can meet this moment.

Fortunately, both Judge Garland and Lisa Monaco, the Deputy Attorney General nominee, have significant experience leading the Department's efforts on domestic terrorism matters, and the Department's dedicated career agents and prosecutors will continue to work around the clock to disrupt the threat and keep Americans safe.

Before turning it over to John and Jill, I wanted to talk about three specific commitments we are making in this area: following the data and intelligence, protecting civil liberties and taking an all tools approach.

FOLLOWING DATA AND INTELLIGENCE

On the first, we will confront this challenge, as we have for years since September 11, using an intelligence-led, threat-driven approach grounded in data and intelligence assessments of career experts.

The Department's approach will be informed by the comprehensive threat assessment examining domestic terrorism that President Biden has asked the Director of National Intelligence to undertake, in coordination with the FBI and others in the intelligence community.

The National Security Council is also seeking to determine, how can the government better share information, support efforts to prevent radicalization, disrupt violent extremist networks, and more?

The Department is participating in that process across a broad range of components — including not just our National Security Division, who you will hear from today, and our Criminal Division, but also the Civil Rights Division, the Tax Division, the Office of Justice Programs and the Bureau of Prisons.

As part of our data-driven response to domestic terrorism, we plan to issue updated guidance in the coming days that will help make sure the National Security Division has insight into, and can track, all cases with a nexus to domestic terrorism or

domestic violent extremism.

We know that information developed in one investigation may be the key to saving lives because of another district's investigation thousands of miles away.

Information-sharing allows all of us to anticipate legal and practical questions before they emerge and maximizes our ability to collectively respond to present and emerging domestic threats, no matter where they arise.

By collecting this data, we will be in a stronger position to take an empirical, evidenced-based approach to domestic terrorism across our work.

PROTECTING OUR CIVIL LIBERTIES

Our second commitment is to be steadfast in maintaining our commitment to civil liberties.

The FBI, as you will hear, very deliberately uses the term "domestic violent extremism" in this area to emphasize that FBI investigations must be predicated on criminal violence and other criminal conduct – never on someone's First Amendment beliefs or associations.

TAKING AN ALL-TOOLS APPROACH

Our third commitment is to take an "all-tools" approach to combatting domestic terrorism – just as we have with other significant national security threats.

The term "all-tools approach" was used often during my time at the FBI and the National Security Division as we developed and described a new approach to address international terrorism and national security cyber threats.

This approach recognizes that success is not the prosecution of a violent extremist or terrorist after the fact, when families have lost loved ones or are grieving, but that success is the disruption before violence occurs, and that always has to be the goal of our counterterrorism work

Since starting back at the Department, I have convened the Domestic Terrorism Executive Committee, an interagency group started after the Oklahoma City bombing. In fact, it was a group that was scheduled to meet on the morning of September 11. It did not meet that day and our focus turned, for a period of time, to international terrorism. But as we've seen the growth of domestic terrorism dating back, really, to 2014, 2015, that the DTEC has been reconstituted as a way to share information across departments and agencies.

I have also convened and met with the Anti-Terrorism Advisory Coordinators – a group of specially trained AUSAs in every office across the country. That group was created after the events of September 11. They are the focal point in the field to work with partners to prevent terrorist acts and to hold accountable those who commit them. Through those efforts, we can best leverage tools from across the government and across the country.

We also partner with state and local law enforcement through structures such as the Joint Terrorism Task Forces, or JTTF, to help us reach cases where federal charges are not available.

CONCLUSION

In conclusion, I know we will cover a lot today, and I wish I could spend more time with you, but we look forward to engaging with you on this topic regularly. It is and will remain my top priority at the Department. And, as you heard from Judge Garland, he intends for it to be the first briefing that he receives when confirmed.

I encourage you to share with our Public Affairs staff what would be most helpful for you as you cover this important topic. What issues do you want briefings on? I'm instructed to say no promises, but what statistics would you like to see that we don't have access to?

Again, thank you very much for joining us today. I know that this can be a complex topic legally, and we want to make sure you have the information that you need to cover it accurately. With that, I am going to turn the call over to Jill and John.

Cayman Islands, Morocco Placed on Terror-Financing Watch List (The Wall Street Journal) By Menqi Sun
February 26, 2021

Four jurisdictions, including the Cayman Islands and Morocco, will undergo increased monitoring as they face pressure from a global watchdog to address deficiencies in their anti-money-laundering efforts.

The Financial Action Task Force, a Paris-based organization that sets anti-money-laundering law standards, on Thursday added Burkina Faso, the Cayman Islands, Morocco and Senegal to its list of jurisdictions under increased monitoring, joining 15 other countries. The identified deficiencies vary for each jurisdiction, but they include maintaining comprehensive beneficial ownership information and expanding the operations of countries' financial intelligence units, according to FATF.

For instance, FATF in a report said the Cayman Islands government needs to impose effective administrative penalties and enforcement actions against entities involved in money-laundering violations, as well as implement adequate sanctions in cases where accurate and timely beneficial ownership information isn't provided.

"The Cayman Islands are a major financial center; we expect from countries who have higher risks, we expect commensurate measures against these risks," FATF President Marcus Pleyer said during a virtual press conference Thursday.

The Cayman Islands government said in a statement that it has completed 60 out of 63 FATF recommended actions to strengthen its anti-money-laundering system and has given its commitment to meet the action plan's requirements to work on the remaining three. The government said the work was already underway.

Being added to the so-called "grey list" means the four countries and territories will work with FATF on plans to address identified deficiencies in their counter-terror-financing regimes within agreed time frames and subject to extra checks, FATF said.

Pakistan, another country on the grey list, has made significant progress in improving its frameworks to counter illicit finance, including demonstrating that its law enforcement agencies were identifying and investigating terrorist finance activities and taking enforcement actions against violations of targeted financial sanctions, FATF said in a report. But Pakistan will remain on the list for increased monitoring; the country still needs to address deficiencies related to terrorist financing, according to FATF.

The Washington embassies for Morocco, Senegal and Pakistan didn't respond to requests for comment.

FATF, which evaluates anti-money-laundering and counter-terrorism-financing laws of 205 jurisdictions around the world, said the Covid-19 pandemic has impacted its evaluations of countries, delaying some of its on-site reviews.

"The FATF continues to monitor the risks of money laundering and terrorist financing connected with Covid-19 financial crimes," Mr. Pleyer said.

The organization, however, was able to discuss a mutual evaluation report on New Zealand virtually, Mr. Pleyer said. After 14 months of work, the watchdog found that New Zealand's measures to combat money laundering and terrorist financing are doing well, particularly in the areas of confiscation and recovery of criminal proceeds and international cooperation. But the country needs to focus on improving the availability of beneficial ownership information, according to FATF.

FATF also plans to release an update to its 2019 guidance on cryptocurrency regulations. Current guidance states that countries should adopt regulations requiring virtual currency companies—including exchanges and wallet providers—to collect information about their customers and share it with other institutions, including other crypto firms, that receive fund transfers.

The organization said that while the public and private sectors have made progress in implementing necessary cryptocurrency-related measures, it also revealed a need for guidance to address specific areas. FATF plans to publish the draft in March for public consultation and expects to approve the final guidance in June.

"We welcome the FATF's actions to enhance operational efforts designed to identify terrorist financiers and develop additional guidance in consultation with the private sector on virtual assets and proliferation finance, two key priorities of the United States," Treasury Secretary Janet Yellen said in a statement Thursday.

Mozambique: Civilians killed as war crimes committed by armed group, government forces, and private military contractors – new report (Amnesty International) March 2, 2021

Hundreds of civilians in Mozambique have been unlawfully killed by the armed group known locally as 'Al-Shabaab', government security forces and a private military company hired by the government, Amnesty International said today, as it published a new report on the ongoing conflict in Cabo Delgado.

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The report, 'What I Saw Is Death': War Crimes in Mozambique's Forgotten Cape, documents serious violations of

international humanitarian law by all parties resulting in widespread death, destruction and a humanitarian crisis that has caused more than half-a-million people to flee.

It also details accounts of violence against civilians by 'Al-Shabaab', extrajudicial executions and other human rights violations by government security forces, and indiscriminate attacks by South African private military company Dyck Advisory Group.

"The people of Cabo Delgado are caught between the Mozambican security forces, the private militia fighting alongside the government and the armed opposition group locally known as 'Al-Shabaab' - none of which respect their right to life, or the rules of war," said Deprese Muchena, Amnesty International's Regional Director for East and Southern Africa.

"All three have committed war crimes, causing the deaths of hundreds of civilians. The international community has failed to address this crisis as it has escalated into full-blown armed conflict over the last three years.

"We are calling on all parties to the conflict to immediately stop targeting civilians, and for the government of Mozambique to urgently investigate the war crimes we have uncovered."

The report, based on interviews with 79 internally displaced persons from 15 communities, focuses primarily on the impact of the increased fighting in Cabo Delgado since a major attack by 'Al-Shabaab' on Mocímboa da Praia in March 2020.

Amnesty International also reviewed satellite imagery, photographs, and medical and ballistics information. The organization's Crisis Evidence Lab completed an open source investigation of available social media material. Amnesty International also interviewed analysts from international organizations, journalists, humanitarian workers, and local human rights monitors.

'Al-Shabaab' atrocities In several attacks documented by Amnesty International, 'Al-Shabaab' fighters (unrelated to Al-Shabaab in Somalia) deliberately killed civilians, burned villages and towns, and committed heinous acts of violence with machetes, including numerous beheadings and desecration of corpses.

In late March 2020, the town of Quissanga was attacked by 'Al-Shabaab'. Amnesty International spoke to 16 former residents who witnessed the fighting and summary killings, beatings, abductions, burning, and looting in the weeks that followed.

During the attack, several teenagers were abducted. One man told Amnesty International: "They take both boys and girls...Some, they take them to behead. Some, they make the girls become 'wives' and do work in the base. The boys become soldiers."

Many displaced young women and girls said they fled specifically because of the threat of abduction, detention, rape, and forced marriage to 'Al-Shabaab' fighters.

One woman interviewed by Amnesty International was seven months pregnant when she was shot in an attack on a bus in the village of Nguida on 23 July 2020. The fighters ordered everyone off the bus to be executed. She was left to bleed to death, but survived and gave birth two months later. Her husband was killed in the attack.

Government forces' violence

Government forces have also carried out vicious attacks against civilians accused of collaborating with or supporting 'Al-Shabaab'. The military and police have committed extrajudicial executions and acts of torture and other ill-treatment, and have mutilated bodies.

Three days after the initial attack on Quissanga, government security forces captured civilians they believed were supportive of 'Al-Shabaab'. They blindfolded and shot several men, before dumping their bodies in a mass grave.

Over the next month, government security forces took women to be raped at the nearby base they had set up, where they also detained, beat, and summarily executed more men. One woman told Amnesty International: "People disappeared. They were all taken to the hole to be killed. They come with a list of names, they ask if we know them. And we didn't lie, in case they took us away too."

Amnesty International's Crisis Evidence Lab analyzed and verified a video shared on social media that showed the extrajudicial execution of a naked woman as she attempted to flee Awasse. The unidentified woman was approached by men who appeared to be members of the Mozambique Armed Defence Force (FADM). After beating her with a wooden stick, they shot her and left her naked body on the highway. Four different gunmen shot her a total of 36 times with a variety of Kalashnikov rifles and a PKM-style machine gun.

Amnesty International has previously revealed evidence of the attempted beheading, torture and other ill-treatment of prisoners; the dismemberment of alleged 'Al-Shabaab' fighters; possible extrajudicial executions; and the transport and

discarding of a large number of corpses into apparent mass graves.

Mozambican government forces have also failed to live up to their obligation to protect civilians from 'Al-Shabaab' attacks, killings, abductions, and other abuses.

Dyck Advisory Group

After security forces lost a number of battles with 'Al-Shabaab', the government hired the Dyck Advisory Group (DAG), a South African private military company, to fight on their behalf using armed helicopters.

According to 53 witnesses who spoke to Amnesty International, DAG operatives have fired machine guns from helicopters and dropped hand grenades indiscriminately into crowds of people, as well as repeatedly fired at civilian infrastructure, including hospitals, schools, and homes.

One woman, who witnessed fighting in Mocímboa de Praia in late June 2020, said: "Two helicopters came, one shooting and dropping bombs. One group [of civilians] that was running raised their hands and they were not shot. But another group that was with the bandits did not raise their hands and they were shot. Many people died there."

During an attack on the town of Mocímboa in June 2020, DAG helicopters destroyed a hospital as they took aim at 'Al-Shabaab' fighters hiding inside the facility.

One woman, who was trapped for six days inside her home near the hospital, said: "...the helicopters shot against everything and everyone. For them it was no longer possible to know who was who. The majority of terrorists were in the hospital, thinking the helicopters could not attack. But one helicopter realized this, so they decided to bombard the hospital, that's how the hospital was completely destroyed."

"The testimony we have gathered reveals a pattern of repeated, reckless targeting by Dyck Advisory Group," said Deprese Muchena.

"By firing indiscriminately into crowds, attacking civilian infrastructure, and failing to distinguish between military and civilian targets, they have clearly violated international humanitarian law. They must now be held accountable for their actions."

Cabo Delgado conflict

Cabo Delgado has suffered neglect and under-investment for decades, a problem exacerbated by natural disasters and the spread of COVID-19 across the region. The area is rich in natural gas, rubies, graphite and timber, leading international companies to compete for access to the region. Fighting has intensified since 'Al-Shabaab' attacked the northern port town of Mocímboa da Praia in October 2017.

The Armed Conflict Location and Event Data Project estimates that over 1,300 civilians have been killed during the conflict. The UN estimates that more than 530,000 people are displaced within Cabo Delgado, equivalent to one quarter of the province's total population. According to UNICEF, approximately 250,000 of the displaced are children.

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Piracy

[Report: Pirates Return to the Caribbean, but West Africa Still Hotspot (Organized Crime and Corruption Reporting Project) By David Klein

March 4, 2021

Despite the decrease in trade and travel brought on by the novel coronavirus pandemic, 2020 saw a distinct rise in maritime piracy at some of the usual hotspots around the world but with a concerning trend emerging in the Gulf of Mexico which could become a new hunting ground for modern pirates, maritime security experts said.

While the Gulf of Guinea, which constitutes the seas off the West African coast, has consistently been one of the worst regions

in the world for the crime, piracy has been almost entirely eradicated off the Horn of Africa and has declined in South East Asia.

But the maritime crime has also seen a slight bump in the Indian Ocean and has popped up in the Gulf of Mexico, with a handful of attacks on ships transiting the Caribbean, Dryad Global, a maritime security agency, said in a report released last week.

“A concerning trend is emerging in the Southern Gulf of Mexico states of Campeche, Tabasco and Veracruz,” the Dryad Global report said. It’s especially worrying as the area is home to more than 2,000 offshore oil drilling platforms which supply some 17% of the U.S.’ crude oil and 5% of it’s natural gas.

So far the majority of the attacks in the area have been against smaller fishing vessels and support and supply vessels for the local oil industry.

“In contrast to prevailing trends in the Gulf of Guinea, piracy within the GoM continues to have more in common with violent armed robbery offshore, perpetuated by disparate groups involved in low level criminality,” Dryad Global said. While lack of kidnapping and ransoms suggest little to no connection with the area’s established organized crime groups, such as Central America’s drug cartels, current numbers are likely under-reported. According to Dryad Global, hundreds of incidents have been reported by local media, while the U.S. government is aware of only 55 since 2018.

The Gulf of Guinea, on the other hand, remains the global hotspot for piracy, with more than 130 abducted seafarers in 27 incidents in 2020.

“Operating in the Gulf of Guinea continues to present a serious and persistent threat to the safety and security of crews and vessels,” Dryad Global said.

“Evidence also shows that attacks are becoming increasingly violent – the use of guns was reported in over 80% of kidnapping incidents last year,” it said.

Unlike historic piracy in East Africa and elsewhere in the world, for West African pirates the catch is rarely the cargo or the ships, but their crew, as sailors are far more movable and still worth a hefty ransom.

“Maritime criminals have honed their business plan,” the agency said. “They know the price point of insurers and the value of a crew member’s life. In turn, shipowners have weighed up the cost of improved security measures against insurance premiums and know where their margins lie.”

International intervention is becoming more and more necessary to remedy the situation in the Gulf of Guinea. However, Dryad’s analyst’s argued that Nigeria, one of the strongest economies in the region, has been shirking it’s responsibility in addressing the crime.

“Unfortunately, whilst strong on rhetoric, Nigeria’s efforts to combat piracy are, thus far, short on substance,” the Dryad Global report said, pointing

Navy strengthens war against oil theft, piracy, launches Operation Cold Waters (The Guardian) By Julius Osahon, Yenagoa
March 10, 2021

The Nigerian Navy has unveiled Operation Cold Waters (AMI JIJI 2021) to tackle maritime insecurity, especially crude oil theft and piracy in its Central Naval Command (CNC) area of operations.

Field Officer Commanding (FOC), Central Naval Command, Rear Admiral Saidu Garba, who inaugurated the exercise yesterday, said the objective was to work towards fulfilling the CNC mandate of securing the nation’s maritime space and its readiness to combat criminal activities on the nation’s waters.

He said the exercise was predicated on the most prevalent maritime threats occurring within the CNC area of operations and was expected to ensure that the Navy sustained its presence at sea in the creeks and on land.

He said the exercise would enable naval personnel to conduct mobile patrol operations to check the activities of criminals involved in piracy, kidnapping, and illegal bunkering.

“We intend to leverage on sustained coverage of Maritime Domain Awareness (MDA) platforms domiciled within the CNC AOR to continue to extend our reach. It has recently been observed that pirates go over 200mm to launch attacks on vessels transiting through the CNC Maritime AOR.

“Such incessant attacks would continue to affect the nation’s economic fortunes if allowed to persist. Therefore, Exercise Ami Jiji will show our resolve to address these occurrences in our AOR as part of Nigerian Navy’s efforts to tackle piracy and other economic threats in our maritime area.

“It is important to also state that the CNS has approved participation in the third edition of NIMASA and Interpol sea operation codenamed Operation 30 Days At Sea 2021,” he stated.

Also speaking, the Special Guest of Honour and FOC Logistics Command, Rear Admiral Sama’ila Lassa, restated that the fight against piracy and crude oil theft has remained the Nigerian Navy’s top priority, saying this was aimed at enhancing the socio-economic development and national prosperity.

“The operations command has, therefore, continued to leverage on existing technologies, legal mechanism, and international legal regimes to protect critical national assets and arrest persons and organisations that perpetrate criminality in the maritime space.

“Exercise Ami Jiji 2021, is, therefore, in line with the strategic directives and mission statements of the Chief of Naval Staff (CNS), which is to optimise the deployment of the Nigeria Navy in the performance of its constitutional roles and assigned tasks, while promptly responding with commensurate action to other emerging national security challenges,” he added.

Total of 5 theft, armed robbery incidents in Singapore Strait this year as of end-Feb (Channel News Asia) By Cheryl Lin
March 10, 2021

SINGAPORE: There have been five theft or armed robbery incidents in the Singapore Strait this year as of end-February, according to the Information Fusion Centre (IFC), which shares maritime security information among countries. The IFC is hosted by the Republic of Singapore Navy (RSN) at Changi Naval Base.

The Singapore Strait comprises Indonesian, Malaysian and Singaporean territorial waters. The five incidents took place outside Singapore’s section.

This is out of 270 “maritime security incidents” detected in the same period, in the region covered by the IFC – spanning the Indian Ocean to North Asia, to the northern tip of Australia.

These incidents include illegal fishing, contraband smuggling, or human migration, among others. As for last year, there were 34 theft or armed robbery cases in the Singapore Strait, forming part of the 113 such cases in the entire region, the centre said.

This was among the overall 1,919 maritime security incidents picked up in the region last year – the bulk of which were miscellaneous maritime incidents, including mechanical issues or capsizing.

While collecting information about such incidents as they happen, IFC also aims to relay the information to different international partners and enforcement agencies to guard maritime safety.

It currently has 100 links with partners in 42 countries.

Information sharing is partly facilitated by naval officers from participating countries, who are deployed to the IFC as International Liaison Officers (ILOs).

The RSN’s Lieutenant Colonel Lester Yong, who heads the IFC, said: “With ILOs physically present on-site, it allows us this daily communication and understanding of the area.”

“And anytime we need to have more information ... then we can touch base with the respective ILOs of the countries, they will call back to their operations centres and whatever linkages they have to get more details. Then they will share with us,” he said.

Since its establishment in 2009, the IFC has hosted a total of 182 ILOs from 26 countries. There are currently 20 ILOs from 20 countries at the centre.

German Lieutenant Commander Christian Hegering, who was deployed to the IFC in February, said: “The big value for us is that we have the connection, we have the understanding of what’s happening in this region.”

“Nowadays, no single state has all the possibilities to understand the whole world ... But everything that is happening here might have an influence on security for supply for our population,” he said.

Lieutenant Sok Sal from Cambodia, who is currently the longest-serving ILO, added that though there may be cultural clashes among such an international team, issues are always resolved because the team has the same goal.

SECURITY IN REGIONAL WATERS

Speaking on the sidelines of a visit to Changi Naval Base, Senior Minister of State for Defence Zaqy Mohamad emphasised that security on the seas is important as Singapore is a maritime nation.

He also noted that though there have been more sea robberies in the Singapore Strait, this is outside of Singapore's territorial waters.

In this case, the IFC plays "an even more important role" in passing on information to the country's neighbours, he said.

"The quicker we are able to pass (information), the quicker that we work with our neighbours, the closer the interaction and the trust, it makes it better for us too, even though it's not in our sovereign waters," said Mr Zaqy.

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Gender-Based Violence

EU Treaty Ratification Over Member Objections Wins Endorsement (Courthouse News Service) By Molly Quell
March 11, 2021

An adviser to the EU's high court says the European Union as a whole can ratify a treaty aimed at combating violence against women despite individual member states refusing to do so.

In a nonbinding opinion for the European Court of Justice, Advocate General Gerard Hogan wrote that the Treaty on the Functioning of the European Union, one of two treaties that underpin the EU, gives the EU the power to move forward with ratifying the Istanbul Convention.

"The fact that a member state has not concluded a treaty does not prevent it from complying with the EU law principle of unity in international representation, in so far as it only requires that state to refrain from actions that are manifestly contrary to the positions adopted by the union," Hogan wrote. Opinions from court magistrates are not binding, but the court follows their legal reasoning in about 80% of cases.

The 2011 convention has pitted the organization that initiated the treaty, the Council of Europe, against the European Union. They are separate and distinct organizations: the former being an international organization set up after World War II to protect human rights on the continent, and the latter is the 27-member political and economic union.

At its core, the treaty requires countries to prevent and punish "all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women."

Greece's representative Kosmas Boskovits told the Luxembourg-based court during oral arguments last year, "It is necessary for the union and its member states to act in common."

The European Union moved to sign and ratify the treaty in 2016, triggering protests from far-right and religious groups, mainly in Central Europe. Today, six EU countries are refusing to ratify the treaty they signed a few years earlier and are opposed to the EU's accession. Hungarian Prime Minister Viktor Orban called the treaty an "attack on the traditional family model."

Further complicating matters, the Council of Europe and the EU institutions are at odds over how to proceed. The European Commission, the EU's executive body, and the bloc's parliament want to push forward with accession on the basis of two provisions protecting crime victims. Meanwhile the council wants the EU to join based on a broader set of provisions, arguing that violence against women isn't limited to criminal violations but also about the treatment of women more broadly.

Both approaches, Hogan says, are legitimate under EU law. "The council is under no obligation to wait for the common

agreement of the member states, nor is it under any obligation to conclude an international agreement, such as the Istanbul Convention, immediately after signing it,” he wrote. “It is rather up to it to assess what is the best solution, in view of factors such as the extent of the risk of unjustified non-execution of the mixed agreement in question by a member state or the possibility of obtaining the necessary majority within that institution to exercise alone all the shared competences concerned by the said agreement.”

The magistrate also noted, however, that the EU cannot force the dissenting states to ratify the convention. The union cannot “prevent a Member State from withdrawing from an international agreement,” Hogan wrote.

Supporters see the treaty as an important mechanism to protect women’s rights in Europe. Last week, women marched in Kyiv in support of Ukraine signing the convention, and last summer, thousands turned out in Poland to protest the government’s decision to withdraw from the treaty.

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Commentary and Perspectives

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WORTH READING

The Legality of Closure on Land and Safe Passage between the Gaza Strip and the West Bank (Asian Journal of International Law, Forthcoming)

Marco Longobardo

March 6, 2021

This article explores the legality of the land closure imposed upon the Gaza Strip by Israel. After having considered the area under occupation, the article argues that the legality of the closure must be determined under international humanitarian law, international human rights law, the principle of self-determination of peoples, and the Israeli- Palestinian agreements. In light of these rules, the arbitrary closure of the Gaza Strip should be considered illegal because it breaches the unity between the Gaza Strip and the West Bank and because it violates the freedom of movement of the local population. Moreover, the closure breaches the relevant rules pertaining to the transit of goods in occupied territory. This article concludes that most of the violations caused by the closure affect peremptory rules which produce obligations erga omnes, so that any state in the international community is entitled to react under the law of state responsibility.

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